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No. 31

House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. CLARKE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 26, 2008.

I hereby appoint the Honorable YVETTE D. CLARKE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 5 minutes.

FREEDOM FOR CUBA IS A WORTHY GOAL

Mr. FLAKE. Madam Speaker, just 2 days ago, we witnessed a transition of power in Cuba. It is no surprise that the new government in Cuba looks a lot like the old. It's time for a get-tough policy on Cuba. It's time to end the isolation that has been both a friend and an enabler to decades of oppression. This isolation has given the Cuban Government a convenient scapegoat for the failure of socialism. We should not give Raul Castro the same

benefits that we gave his brother Fidel. We cannot continue to be the Goliath to their David.

For too long, U.S. policy toward Cuba has missed the island by about 90 miles. Our Cuba policy, under both Republican and Democratic administrations, has been more about Florida than about Cuba, more about securing votes in Miami than securing the right to vote in Havana.

Madam Speaker, we are too great a country than to deny Cuban American families the right to visit family members in Cuba. We are too great a country than to deny our own citizens the right to travel to the island and to give aid and comfort to those who have endured decades of oppression.

Freedom in Cuba is a worthy goal, a goal that would perhaps be more easily achieved if we practice a little more of it ourselves.

SUPPORT FOR PRESIDENT KARZAI

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Pennsylvania (Mr. PITTS) is recognized during morning-hour debate for 1 minute.

Mr. PITTS. Madam Speaker, recently there have been a number of stories in the Western media bashing Afghanistan President Karzai. One in the Washington Post even raised doubts about his anti-Taliban activities before he became President. This is deeply disturbing.

President Karzai has a proven track record of being a very strong ally of the United States and a courageous and visionary leader for his own country. His record of activities against the Taliban are well-known and well-documented. He testified before the Senate Foreign Relations Committee in the year 2000. And in a policymakers' forum, right here in this Capitol building in 1999, he warned us of the dangers of neglecting Afghanistan and the

threat the cruel and brutal Taliban posed to the stability and security of Afghanistan and the region and, indeed, the world.

This rash of articles is perplexing. Karzai is a leader who clearly holds the best chance of leading his country towards lasting peace, unity and democracy. The international community and the United States must continue to support President Karzai.

STEROIDS IN SPORTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning-hour debate for 5 minutes.

Mr. STEARNS. Madam Speaker, like many of my colleagues, I'm a big sports fan. I have had the opportunity to play sports in high school and in an industrial league. I played it in the Boys Club back in 90-pound football. And I think, like most of us, we understand that the vast majority of stars today were a testament to true hard work. They were determined to succeed and often times under difficult situations. Their performances, victories, records and careers seemed to capture the straightforwardness of honesty, hard work and integrity that is based upon the heart of sports today, at least in the past, the ideal that sports allow success based upon merit, whether it be on the court, the field or the track.

Unfortunately, Madam Speaker, the scourge of steroids and performance-enhancing drugs is not simply a footnote in the history of sports in America. Steroid use goes much deeper, to the basic integrity of sports and all of athletics. At the most fundamental level, steroid use is just plain cheating. And furthermore, it is illegal.

Steroids are classified as a Schedule III controlled substance under the Controlled Substance Act. Those caught in illegal possession of steroids without a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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prescription face arrest and prosecution. Dealers face a Federal felony charge and up to 5 years in prison.

Furthermore, steroid use involves significant health risks for all athletes who use them. Studies suggest that use of steroids can lead to stunted growth in adolescents, increased risk of heart and liver disease, as well as cancer and hormonal problems for both men and women. And that is why these and other factors demand that our elite athletic organizations, both professional and amateur, establish uniform, world-class drug testing standards that are consistent and robust, just as our criminal laws are today.

However, the most worrisome development is that steroids are not only infiltrating their professional and elite amateur leagues, they are finding their way into middle schools and high school sports programs. In fact, according to the most recent Monitoring for the Future survey, funded by the National Institute on Drug Abuse, 3½ percent of high school seniors have used steroids with similar percentages for grades 8–10.

These are alarming numbers that represent just a part of the susceptible youth population that is out there. These estimates suggest that the high school steroid problem is just as great, if not greater, than it is in the professional leagues.

As any parent knows, high school is a trying time for many kids, let alone student athletes. These exceptional kids now face yet another hazard all the way to adulthood, that is trying to claim the safe haven of sports as its next growth market.

We must take an aggressive stand against this plague before these pressures lead young student athletes to use steroids, its destructive effects on honesty and fair play and ultimately, their very health and well-being.

And here and before the Commerce Trade and Consumer Protection Subcommittee last year, which I chaired in the last Congress, we heard testimony from a parent of a young man who tragically took his own life when that pressure to succeed, coupled with steroids, became too much. Unfortunately, these tragic stories are all too common.

Richard Pound, the founder and chair of the World Anti-Doping Agency says, "Do we want our children to be forced to become drug addicts in order to be successful in sports? Like it or not, sports stars are heroes and idols to our kids. Our kids copy their heroes' behavior. That's why we have to encourage the stars to be good role models both on and off the field." Congress must continue to look into the use of illegal steroid and performance enhancing drug use.

Professional leagues have an obligation to be the gold standard with regard to education, detection and sanctions for the illicit use of steroids and other performance-enhancing drugs. The recent scandals in baseball, the

Olympics, professional wrestling and in other professional amateur sports have served to highlight the significance of the steroids problem.

Now, sometimes I'm asked back in the district why I care about drugs in sports. Shouldn't the athletes perhaps do whatever they want? They are only hurting themselves, is the reply. The use of steroids and performance-enhancing drugs by athletes today goes beyond just the integrity of the sport. By using illegal drugs, athletes are, in effect, telling our children that the only way to be successful and compete at the highest level is to cheat. That is not the message I want our children to hear.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

PRAYER

The Reverend Dr. Adolphus C. Lacey, Mount Olivet Baptist Church, Peekskill, New York, offered the following prayer:

Eternal and all wise God, creator of life and light, we bless You on this day that You have let life and light dwell in each of us. We thank You, O God, for another opportunity to get it right. We pray now for Your discernment for these Representatives as they deliberate on the course of this great Nation. May their thoughts be on the common good and their actions help form a more perfect Union. We pray for strength in the continued sacrifices that each son and daughter, husband and wife make as they send a piece of themselves to serve all of us. May their sacrifices be not in vain. Grant now to each Representative purpose, clarity of mind, determination and commitment, not only for this day, but also in the continuing days of this 110th Congress. Hear our prayer, O God, and grant to each of us Your peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. DR. ADOLPHUS C. LACEY

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. HALL) is recognized for 1 minute.

There was no objection.

Mr. HALL of New York. Mr. Speaker, I am honored to be able to stand here today and thank the Reverend Dr. Adolphus C. Lacey for leading the House of Representatives in prayer today. I am hopeful that his presence and prayer here today will help us in the House to display the same leadership and sense of community that he exhibits every day in the Hudson Valley.

Rev. Lacey came to Mount Olivet Baptist Church in Peekskill, New York, in 2005 to serve as its 14th pastor and has been a leader in the community ever since. He is also president of the Peekskill/Cortlandt area Pastors Association and has been a strong voice in the public sphere for the values that are guided by his faith.

In addition to serving as a religious and community leader, Rev. Lacey is also a family man. He is the husband of Cheryl Mathews Lacey and the father of Cameryn Alexandra and Adolphus Matthew.

I have had the honor of addressing his congregation and been able to see his leadership where his counsel is often sought. I thank him again for leading us in prayer today.

DEMOCRATS FIGHT TO END SUBSIDIES FOR BIG OIL AND INSTEAD SUPPORT RENEWABLE ENERGY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, this week the House Democrats will

build upon our economic stimulus package by passing an energy bill that is designed to lower prices at the gas pump, which are currently over \$3 a gallon. The price of oil is hovering around \$100 a barrel and many predict that if we don't act now, it's going much higher.

The Renewable Energy and Energy Conservation Tax Act extends and expands tax incentives for renewable energies including renewable electricity and fuel, hybrid cars and energy-efficient homes and appliances.

By investing in renewable energy, we can take another critical step in reducing our Nation's dependence on foreign oil. And at a time when our economy is struggling to produce new high-paying jobs, this legislation will help create hundreds of thousands of new green jobs in renewable energy that will help us provide a cleaner environment for the next generation.

Mr. Speaker, our legislation is also fully paid for by repealing \$18 billion in tax subsidies that big oil companies continue to receive despite record earnings. It's time Congress modernizes our Nation's energy policy by passing this important bill regardless of President Bush's opposition.

CUBAN PEOPLE DESERVE FREEDOM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Fidel Castro has stepped down as President and dictator of Cuba and handed over his communist rule to his brother Raul. The news of Castro's resignation was met with cautious optimism by many who see this as an opportunity for the Cuban people to build a new and free society. However, it appears that for now the Castro family elite will continue to reign in a communist state and stifle the voices of reform.

Today, political prisoners remain housed in inhumane conditions. The current Cuban legal system that authorizes the arrest of people for the crime of pre-criminal activity must be drastically reformed. The Cuban people deserve to live in a democratic society based on the rule of law that recognizes the rights of its citizens to the freedoms of speech, religion, and association.

I am inspired by the phenomenally successful and patriotic Cuban American business leaders in the community I represent, such as Louis and Nena Gonda, who have always kept alive the ideals of a free Cuba to provide opportunity for the people of Cuba.

In conclusion, God bless our troops, and we will never forget September the 11th.

WISCONSIN NEEDS FEDERAL HELP WITH SNOWFALL EMERGENCY

(Ms. MOORE of Wisconsin asked and was given permission to address the

House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, as I speak, more snow is blanketing Milwaukee and southern Wisconsin, the latest in an unending series of snowfall that has overwhelmed municipalities in Wisconsin this winter. By mid-February, Milwaukee had received over 75 inches of snow compared to 33 inches at this time last year. Madison, our State capital, has already broken its record for the snowiest winter.

A few weeks ago, one storm dumped at least a foot of snow in southern Wisconsin, including 17 inches in downtown Milwaukee. Just outside of Madison, some 2,000 cars were stranded on a highway for up to 12 hours. Last week, Wisconsin's Governor, Jim Doyle, requested Federal assistance to help Wisconsin deal with snow removal and other emergency costs.

Yesterday, the entire Wisconsin delegation sent a letter urging the President to approve this request. Mr. Speaker, Wisconsinites are proud of our ability to handle snow; but in this case, Federal help is sorely needed and should be swiftly approved and provided.

PASS THE SENATE INTELLIGENCE BILL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Democratic majority's decision to ignore the requests of our intelligence community has endangered our national security. Why do House Democrats refuse to give the intelligence community the tools they need to protect American lives?

A strong bipartisan bill passed the Senate by a vote of 68-29. The bill also was supported by the administration, the intelligence community, as well as the majority of Members of the House. Yet the Democrats' leaders refused to bring the bill up for a vote.

Congress has no greater responsibility than to ensure that our intelligence-gathering laws are strong and our Nation is safe from future attacks. Let's hope, for the sake of our country, the Democratic leaders will decide before it's too late to pass the bipartisan Senate bill.

HONORING ESSIE MAE REED DURING BLACK HISTORY MONTH

(Ms. CASTOR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR. Mr. Speaker, here on Black History Month, I'm very pleased to salute Essie Mae Reed from Tampa, Florida, a true community hero. Essie Mae Reed has been an outspoken voice for the poor and struggling families in Tampa for decades. As a resident of the Central Park Village housing project in

1967, she created the first tenants association and ultimately advocated on behalf of thousands of families in Tampa.

Essie Mae Reed established the Boys and Girls Club. She ensured children could go to the community college for enrichment programs. She publicized unsanitary conditions. She ensured children will receive lunch in schools. She fought to have hot water heaters installed in public housing. She forced a change in public housing policy that barred single mothers from public housing.

Essie Mae Reed was the first African American woman to run for the Tampa City Council; and when they charged her a substantial qualifying fee, she challenged it, and the Federal district court threw it out and ruled it unconstitutional.

Essie Mae Reed is a Tampa and American treasure. She stood up for so many that didn't have a voice and improved lives throughout our community.

DEPUTY CRAIG MILLER—ANOTHER CASUALTY OF A WEAK U.S. IMMIGRATION POLICY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the people of Houston, Texas, are in mourning today because they have lost another brave protector of our community. While working undercover surveillance on February 21, Harris County sheriff deputy Craig Miller was killed when an 18-wheeler darted onto I-10 in Houston and recklessly drove across three lanes of the freeway crashing into Miller's SUV. Miller's vehicle became airborne, and he was fatally injured in the crash.

Narcotics Officer Miller was 43 years of age, married to Michelle and has two young children. Friends described him as a comedian that could have been a regular on Saturday Night Live. Deputy Miller grew up in Houston and attended Stratford High School. He enjoyed protecting and serving the people of the Houston area.

So as peace officers wear the black band of sacrifice across their badges in honor of Deputy Craig Miller, we remember that lawmen are all that separate civilization from the uncivilized.

The driver of the 18-wheeler was charged with negligent homicide. He is a foreign national and his legal status is undetermined. Deputy Miller is yet another recent death in a series of Houston area lawmen that have been killed by foreign nationals. Deputy Miller is a casualty of a weak, chaotic, and inconsistent and overbroad immigration policy this country has.

And that's just the way it is.

FISA IS STILL IN FULL EFFECT

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, the President and his followers are telling the American public that the fight about the Foreign Intelligence Surveillance Act, known as FISA, is endangering America; but the reality is that FISA is still fully in effect and administration officials have acknowledged that.

What this fight is really about is the President wants to give telecom companies retroactive immunity for turning over private information about Americans to the executive branch without a court order. Now, some companies refuse to go along, so obviously there could be a problem here. We should not and cannot give immunity until we know what we are giving immunity for. This is like a defendant coming into court saying to a judge, I may or may not have done something wrong. I don't want to tell you about it, but I want you to say that I am not liable, and then the judge agrees.

We would not accept that for an individual, and we must not accept it for corporations or for the government either. As John Adams said, we are a government of laws, not men, and we must honor the Constitution.

□ 1215

ENERGY TAX HIKE MEANS HIGHER GAS PRICES

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, this week the House will, for the third time, debate an energy bill which actually raises gas prices for the American people, sends manufacturing jobs overseas, and increases our reliance on foreign energy. This energy tax hike will raise taxes on domestic energy producers, in essence making it more difficult and expensive to produce American energy for American consumers.

As you know, oil has reached and broken the previously untouched benchmark of \$100 a barrel, and the average national price of gasoline has gone up 16 cents in just 13 days. In my State of Nebraska, gas prices are hitting \$3.14 in Grand Island, and in Scottsbluff they're hitting \$3.08.

The American public is deeply worried about the rising cost of energy, yet we stand on the verge of making it worse by stubbornly going forward with this legislation. It's simple, really; raising taxes on American energy leads to higher gas prices and a greater dependency on foreign sources of energy.

POLITICS OF FEAR IS BACK

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, after a brief reprieve, the politics of

fear is back in full force. The White House and my colleagues on the other side of the aisle are saying that the expiration of the Protect America Act has made this Nation more vulnerable. That is simply false. The Washington Post did a nice job of refuting this claim in saying Mr. Bush's pass-it-now-or-the-terrorists-will-win rhetoric is overheated fearmongering.

Before the Presidents Day recess, I encouraged my colleagues to stay in Washington and forge a bipartisan long-term solution. I regret that we didn't do that, but I'm not afraid of the expiration of the Protect America Act. I voted for that piece of legislation.

As a 24-year veteran of the Army National Guard, I know the importance of having the tools to fight the terrorists. However, I'm committed to working with my colleagues on both sides of the aisle to find a long-term bipartisan solution that strengthens national security, protects our civil liberties, and does so without providing blanket immunity to companies that may have broken our laws.

I hope that we can end the fearmongering and the political rhetoric that have characterized this debate and get down to America's business. And I think it needs to be pointed very clearly to this Nation's enemies, this Nation is protected, this Nation stands united on the issue of protecting us, and no amount of rhetoric will change that.

ENERGY

(Ms. FALLIN asked and was given permission to address the House for 1 minute.)

Ms. FALLIN. Mr. Speaker, the energy problems facing our Nation are obvious: Our economy suffers from out-of-control gasoline prices while national security remains at risk from an overreliance on foreign oil. Immediately increasing the amount of energy produced on U.S. soil is the first step to addressing both of these issues.

Rather than pursue a commonsense solution, the House Democrats are once again proposing billions of dollars in punitive tax increases on American oil companies. Heavily taxing oil and gas will discourage exploration and production, and that is exactly what we don't need to do. It will drive up the cost at pumps for consumers and further reduce the incentives for domestic production of oil and gas.

This week marks the third time this year that House Democrats have tried to enact an energy policy that would hurt American families and businesses, increase our reliance on foreign energy sources, and put the long-term energy needs of the United States at risk.

FISA

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, as a recipient of the nastiest attack ad in the last election cycle, I was sad to see this past weekend that it's already started. Yes, the Swift Boat crews were out and at it again, this time trying to convince the American people that because some Members of Congress felt it was better for our security to extend the FISA bill for 21 days rather than let it expire, that somehow they don't care about America's security. Well, that's not only untrue, it's downright insulting.

And the rationale: We should just trust the President's judgment on this matter and rubber-stamp his decisions. This is the same President who assured us that there were weapons of mass destruction in Iraq. Well, I want the cowards who crafted these intentionally deceiving messages to know that I was not sent to Congress to be a rubber stamp for this President or anyone else. I will continue to voice my opposition to the President whenever it is necessary to ensure the rights guaranteed under the Constitution are protected.

QUIT HIDING BEHIND BLAMING GEORGE BUSH

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, my good friends on the other side of the aisle are hiding behind a cloak that I believe is unfair. They're blaming the President of the United States for protecting this country. They're blaming the President of the United States for something that he is doing to protect this country to make sure that we have the flexibility to make sure that we can listen to enemies who are trying to do us harm. The President, as well as intelligence officials, have fought for the last 3 years to make sure that we can hear those things that were intercepts on the battlefield and turn them around to protect our troops.

Make no mistake about it, my good friends the Democrats today are here on the floor of the House of Representatives saying that they don't want to be a rubber stamp for protecting this country. I want to be a person that says that every single person should understand that today the lawful use of the ability to be effective and efficient in protecting not only our troops but this country has been taken away. Yes, we can still listen, but it's got to go through another process, back through FISA, that takes a month's worth of work through a bunch of judges that help protect this country. We need to get this done. Quit hiding behind some bit of blaming George Bush.

FISA: PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Washington Republicans are throwing the facts out the window and are trying to scare the American public into believing that our Nation is less safe today than it was under the administration's supposed Protect America Act.

The Bush administration was wrong when it said the intelligence community would go dark, outrageous, when the act expired earlier this month.

Kenneth Wainstein, the Assistant Attorney General for National Security, said that even after the President's law expired, "intelligence officials would still be able to continue eavesdropping on already-approved targets for another year." And Kate Martin, the Director of the Center for National Security Studies, said our government could immediately listen in on any new individual plotting a terrorist attack without a court order under existing FISA emergency authority.

Clearly, our intelligence community is not going dark. And I would hope that congressional Republicans would stop this scare tactic.

EXTEND PRODUCTION AND INVESTMENT TAX CREDIT

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, tomorrow the House will vote on commonsense legislation to extend the production tax credit and investment tax credit and pay for it by reducing wasteful subsidies to big oil companies.

As an expert in renewable energy, I am confident that this legislation will ease the pain at the pump and allow our economy to create family wage jobs and make America less dependent on foreign oil.

The bill we will vote on comes just after the big five oil companies report record profits. Our bill will channel unnecessary funding that goes to oil companies back to the renewable industry where it's greatly needed. I cannot overstate the urgency of extending the production tax credit and the investment tax credit as soon as possible.

As with any other form of electrical generation, renewable energy products must adhere to development timelines. And if the schedule of a project is delayed due to uncertainty about the tax credits, a year-long construction cycle will be lost, setting our country further behind foreign competition.

Mr. Speaker, I urge all my colleagues to see the importance of this legislation and join us tomorrow in passing it.

FISA: PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the politics of fear are alive and well in the

Republican Party. Despite the fact that the House and Senate are actively working to craft a strong new FISA bill, Republicans and the White House refuse to attend the negotiations. Instead, they're insisting that this House simply rubber-stamp a bill that was recently passed by the Senate.

The decision to boycott these negotiations shows that Republicans prefer a political issue rather than a strong new FISA bill.

Democrats are hopeful that Republicans will consider their decision to sit on the sidelines and will instead join us in crafting a bill that protects our country while respecting the fundamental rights of American citizens.

Mr. Speaker, House Democrats passed a bill in November that meets both of these criteria. Then, earlier this month, the Senate passed its own version. As is common procedure here on Capitol Hill, we are now in the process of negotiating the differences between the two bills in order to come up with the strongest bill possible. I would hope Republicans would want to remain relevant and would join us in passing the strongest FISA bill we can.

FISA: PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, President Bush and congressional Republicans are playing politics with our national security. They're falsely claiming that the expiration of a temporary provision of the Foreign Intelligence Surveillance Act is endangering America and compromising our national security. If that is indeed the case, why did the President threaten to veto any extension of his own law? And why did every House Republican vote against a 21-day extension of the law earlier this month?

If the expiration of this law would, indeed, endanger the American public as Republicans suggest, wouldn't House Republicans do everything in their power to actually keep the law in place? And despite all this fearmongering, House Republicans know that all of our electronic surveillance capabilities are still in place.

Mr. Speaker, while the White House and congressional Republicans play games with our national security, congressional Democrats will continue to work to pass a final FISA bill that will give our intelligence community the tool it needs to protect our Nation while we also protect our citizens' civil liberties.

PROVIDING FOR CONSIDERATION OF H.R. 3521, PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Com-

mittee on Rules, I call up House Resolution 974 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 974

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3521 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 955 is laid upon the table.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas, Representative SESSIONS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1230

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 974 provides a structured rule for consideration of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule makes in order two amendments printed in the Rules Committee report accompanying this resolution. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I am especially pleased that the rule makes in order an amendment offered by my colleague from Florida, Representative KENDRICK MEEK. His amendment ensures that in extreme cases where HUD is forced to take over control of a housing authority, it must honor any and all existing agreements between the local housing authority and tenant associations. This amendment is needed in south Florida and throughout the country, and I urge my colleagues to support it.

Mr. Speaker, the skyrocketing number of foreclosures and the lack of affordable housing are some of the greatest financial problems our Nation faces today. In Broward County, the county in which I live in Florida, foreclosure rates tripled in 2007 alone. It is obvious this situation has grown beyond a crisis and extends into our entire economy.

One group of service providers that is suffering significantly from this economic crisis is our public housing authorities. For this reason I support this rule and underlying legislation that will provide flexibility to public housing authorities during our Nation's housing crisis so that they are able to sufficiently meet the needs of our constituents.

There are approximately 3,300 individual public housing authorities in the United States serving 1.2 million households. Low- and middle-income individuals and families making between 50 percent and 80 percent of the median income level in their community are eligible for Federal assistance. Without this assistance, literally millions of people would be homeless or in some cases even worse. Despite this known reality, HUD recently issued a ruling which will result in funding cuts for over 800 housing authorities throughout the country. If the House does not act, then 26 percent of the housing authorities in the United

States will lose significant funding because of HUD's decision. To make up for the anticipated funding shortfalls, the underlying legislation gives housing authorities the flexibility to transfer funds from their capital to operational accounts. This move will ensure that housing authorities will not be forced to close down existing public housing units because of HUD's shortsightedness.

Finally and importantly, the legislation also reaffirms the role that tenants play in determining where they live and how those communities are governed.

Mr. Speaker, unfortunately, the problems addressed in this legislation are not the only obstacles public housing authorities have been forced to deal with over the last 7 years. As my colleagues know, the current administration has a long record of failing to meet America's low- and middle-income housing needs. For example, funding shortfalls have become regular staples in the President's public housing budgets, while the administration continues to neglect the more than \$18 billion backlog in deferred maintenance for public housing units, allowing the deterioration of public housing units to the point that many of them are completely uninhabitable. This is simply unacceptable.

In my district some housing units are literally falling apart. Roofs are leaking and in some instances even caving in. Appliances are broken and decades, not years, old. Units are deteriorating, unattractive, and lacking in some of the most basic amenities. Even more is that security in many of the public housing communities has been consistently disappearing. Residents in some public housing units in my congressional district alone are literally afraid to leave their homes.

Yes, we are working to address these and other public housing issues. But we will not be able to fully address these issues if the underlying legislation does not pass.

Mr. Speaker, this housing bill was reported out favorably by the Financial Services Committee, the whole committee, by voice vote. The minority members of the committee did not offer any amendments during markup, and not one Republican amendment was submitted to the Rules Committee.

It is my sincere hope that the House will pass this rule and underlying bill with that same overwhelming bipartisan support. I urge my colleagues to support this rule and the Public Housing Asset Management Improvement Act of 2007 as we work to improve public housing throughout America.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Florida for yielding me this time, and I yield myself such time as I may consume.

This bill is real simple. It's real simple. For several years there was a negotiation with HUD to look at the best

practices across this country from people who are in the housing industry to determine best how to go about and manage assets of housing units. This bill is all about taking away the best practices that exist for nongovernment housing, the rest of the industry, because it will take money away from people who don't engage in best practices. Of course it will take money away from them. But what this is all about is to try to take a negotiation that has happened for about 7 years from what the previous Congresses have passed to say we think that public housing needs to raise its standards to where we do have proper public housing, public housing that works, public housing that can pass the smell test of asset management.

Now my good friends, led by our Speaker, NANCY PELOSI, want to say forget the standards. Forget the standards of the industry. If they have to live up to those standards of proper management, of best practices, do you realize what that would mean to us? We couldn't pass those audits; so we will lose our money. So this rule and this new change that we are having here that's called the Public Housing Asset Management Improvement Act of 2007 is all about trying to say forget trying to do something that's better. Forget following standards that have been established in the public sector. We don't want those to apply. So now we're going to pass a rule and a law that says you don't have to do that because if you did, you would lose money.

Mr. Speaker, I rise in opposition. I rise in opposition not only to the rule, which I believe is unnecessarily restrictive, but also to the provisions in this bill and the underlying legislation that unilaterally and at the last minute seeks to abuse the Congress's power and to undo specific parts of a process that have previously been carefully negotiated over years with the private sector best practices and brokered over the last decade to make public housing more accountable for its spending and more accountable to the public housing units that we don't want to go into disrepair in the United States of America.

In 1998 Congress passed the Quality Housing and Work Responsibility Act, which among other things required a deliberate and negotiated rule-making process to bring asset management at our Nation's public housing administrations up to a reasonable standard. What we are here to do today is to say we don't want that standard.

And you're right. The gentleman from Florida is right. Public housing units that cannot meet the standards would lose money. That's why we talk about waste, fraud, and abuse. People that do not use the money that has been given them by this Congress, by the taxpayer to work in the best interests, we thought, I think, as we vote to spend money, of people who are in public housing, who, through some sometimes no fault of their own, have to end

up in public housing and find out they are in a rat-infested, bad housing project because asset management standards aren't followed. Amazing.

By adopting widespread private sector common practices such as project-based budgeting and accounting to ensure that costs are known, managed, and maintained at a reasonable level, which is what the current bill is about, which is what we're going to undo, Congress wisely gave public housing administrations the tools they needed, and just like private sector tools, to manage their own finances better, bringing them into line with every other operator of subsidized housing in this country and ensuring that spending moneys to support their tenant and tenants remain the highest priority. We are going to do away with that today. That's what we are going to do away with, and we call that new and approved. I call that a sham and disrespectful of the residents whom we are trying to help.

Today's legislation would overturn these longstanding negotiations and turn back the clock for public housing administrations nationwide by eliminating any restrictions on the amount of management fees they could charge, promoting inefficiency, reducing the level of funding available to tenants, and decreasing oversight and accountability. In other words, making sure that these public housing agencies stay on the watch list for waste, fraud, and abuse rather than using private sector standards of best practices to make them better.

Mr. Speaker, I cannot understand why this self-proclaimed most honest, ethical, and open Congress in history would use this time today to bring this legislation to the floor to make financial management of mid-sized public housing administrations less transparent, less responsive, and not even following the standards established by the private sector and by unilaterally overturning a lengthy and fairly negotiated rule-making process. But here we are.

In fact, if Speaker PELOSI really wanted to demonstrate her commitment to honest, open, and ethical government, she could be using this time instead to take up a resolution that I and over 150 of my Republican colleagues have cosponsored, authored by my good friend, Representative JACK KINGSTON from Georgia, which is a continuation of House Republicans' long-term commitment to reform the earmark process. Congressman KINGSTON's bill would create a Joint Committee on Earmark Reform to conduct a full study of the earmark practices of the House, the Senate, and executive branch. Upon completion of this study, the joint committee would file a report of its findings and its recommendations. Most importantly, until this report is filed, the House would put in place an immediate moratorium on the consideration of all earmarks.

By the way, that's the people's money. That's the people's money that

people really back home are worried about.

Instead, Mr. Speaker, this House, which recently tied the record as the most closed Congress in history, with 49 closed rules so far in the 110th Congress, will consider this legislation that will impede the successful transition to, and implementation of, asset management by overturning a long negotiated process that is consistent with proper standards of the private sector.

□ 1245

I know that other bills like the bipartisan Senate legislation to give our Nation's intelligence services tools that they need to protect Americans against terrorists is also trying to be taken up by the House. But, instead, this Democrat leadership has chosen to miss yet another opportunity to provide Americans with greater security by instead allowing the Protect America Act to expire. If there is any question as to why the public holds Congress in such low regard, with only about one in five Americans approving the job that this House is doing, one need not look any further than the congressional calendar this week, again, this week, and examine what both the Democrat leadership and the House are doing and what we are neglecting to do.

Mr. Speaker, at this time I would like to insert in the RECORD a Statement of Administrative Policy explaining their strong opposition to H.R. 3521's passage.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, February 12, 2008.

STATEMENT OF ADMINISTRATIVE POLICY

H.R. 3521—PUBLIC HOUSING ASSET MANAGEMENT
IMPROVEMENT ACT

The Administration is strongly committed to the successful transition to and implementation of asset management for Public Housing Agencies (PHAs). Asset management will adopt widespread private sector practices, including project-based budgeting and accounting, to assure costs are known, managed, and maintained at reasonable levels—ensuring public housing tenants are the first priority. However, the Administration is deeply concerned that H.R. 3521, as reported by the House Financial Services Committee, would severely undermine PHAs' long-awaited conversion to asset management and the adoption of conventional business practices. For the reasons that follow, the Administration strongly opposes House passage of H.R. 3521.

H.R. 3521 would exempt 88 percent of PHAs, those which own or operate fewer than 500 public housing units, from the requirement to convert to asset management. The increase of the threshold for exemption from asset management, from 250 to 500 public housing units, would directly contradict a fundamental element of the Operating Fund negotiated rulemaking process.

The bill also would eliminate any restriction or limitation on the amount of management and related fees that a PHA could charge through January 2011. This change would promote program inefficiency, likely reduce funds available to directly assist tenants, and erode effective program oversight and accountability. Moreover, the Department of Housing and Urban Development

(HUD) has already provided the PHAs with the flexibility to phase-in management fees through 2011, provided they include reasonable documentation in their Annual Plan.

PHAs would be allowed to spend as much as 20 percent of their Capital Fund grant on central office costs related to the operation of public housing. The extra 20 percent is above and beyond the 10 percent of the Capital Fund grant that the PHA earns as a management fee, and on top of the normal management fees that a PHA earns for operating each project. The Administration strongly opposes this provision because it could lead to excessive Capital Fund diversions and expenditures on administrative costs, and because HUD has already allowed PHAs until 2011 to abide by the new management fee guidelines, with supporting documentation. Beyond that date, PHAs should abide by the new management fee guidelines so that Capital Fund amounts are spent, to the maximum extent possible, on capital works projects, not on central overhead costs.

Under the bill, HUD is directed to ensure that PHAs encourage the reasonable efforts of resident tenant organizations to represent their members, and to issue guidance encouraging resident participation in the implementation of asset management. Although these provisions are well-intended, HUD's regulations already encourage resident and tenant participation, especially in the adoption of Annual Plans. Moreover, the provisions in H.R. 3521 giving wide latitude to a PHA's determination and use of management fees are directly contrary to the interests of public housing residents. Such provisions encourage PHAs to direct valuable resources away from the direct operation of public housing projects in favor of central overhead.

The Administration looks forward to working with the Congress to ensure that the long-awaited conversion of PHAs to asset management occurs smoothly and under the guidance of conventional business practices. However, H.R. 3521 moves in the wrong direction and would undermine these efforts.

I urge all my colleagues to vote against the previous question and this rule so that today the House can actually take up legislation that will move America in a positive direction.

Mr. Speaker, I think it is bad policy when you stand up and try and pass a law that takes away more accountability, more opportunity for sunlight, but most of all a standard that exists everywhere else. The people we are really robbing, hurting, harming, and continuing to harm are the people that live in public housing. We believe transparency is important. But we believe in responsibility. We believe that people who are in public housing are entitled to know that where they live that someone is responsible, looking at the dollars wisely, and prepared with the investments that had been made on their behalf. To be worried about leaving where they are, I do understand. As the gentleman from Florida has said, people are concerned that they even leave where they are, concerned that something will happen. Well, that's right. That's right.

And today, what this House wants to do is to lower the standards even lower. I am disappointed. But I remain optimistic, because we have got a vote in just a few minutes and we can change that pathway.

Mr. Speaker, the tragic events of September 11 taught us many lessons, and one of the most basic lessons was that our Nation must remain aggressive, nimble, proactive, and adaptable in our fight against international terrorism. To accomplish this common-sense goal, and a goal that I think we, as Members of Congress, when we raise our hand to say we will support and defend our country, Congress must give our intelligence agencies the tools that they need to stay one step ahead of terrorists who wish to harm Americans.

Telecommunications technology has changed greatly since 1978 when FISA was first written, and the modernization of foreign intelligence surveillance to adapt to the realities of the 21st century should be a critical national security priority. I am pleased that several of my colleagues on the other side of the aisle also agree.

On January 28, 21 members of the Blue Dog coalition sent a letter to Speaker PELOSI in support of the Rockefeller-Bond FISA legislation in the United States Senate. The letter states, "The Rockefeller-Bond FISA legislation creates satisfactory language addressing all of these issues which we fully support that would measure and should reach the House floor without substantial change. We believe these components will ensure a strong security apparatus that can thwart terrorism across the globe and save American lives here in our country."

Mr. Speaker, at this time, I will insert into the RECORD the letter by the Blue Dogs to Speaker PELOSI.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation

that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, Marion Berry, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Christopher Carney, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Brad Ellsworth, Charlie Melancon, Zack Space.

It is unfortunate that House Democrat leaders chose to allow the Protect America Act to expire instead of bringing to the House floor the bipartisan measure that passed the United States Senate by a vote of 68–29. To make our country safer, Congress needs to act immediately. Today, I will once again give all the Members of the House an opportunity to vote on a bipartisan long-term modernization of FISA. I will call on all my colleagues, including members of the Blue Dog coalition that signed the letter to Speaker PELOSI, to join me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law quickly.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge my colleagues to vote "no" on the previous question and in favor of a bipartisan permanent solution that closes the terrorist loophole.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am hard put to move hurriedly, so I will yield myself such time as I may consume. I am also hard put, Mr. Speaker, to restrain myself and not get involved with the ongoing discussion and the numerous ads that I saw during the previous recess that were very much in error concerning the House of Representatives' actions on the FISA legislation.

Mr. Speaker, I served for 7 years on the House Select Committee on Intelligence. I find it hard to believe that my colleagues on the other side of the aisle, or that anyone, would believe that the distinguished Chair of the Intelligence Committee, SILVESTRE REYES, the distinguished Chair of the Judiciary Committee, JOHN CONYERS, the distinguished Chair of the Homeland Security Committee, BENNIE THOMPSON, their counterparts in the United States Senate, all combined would want to put this Nation in jeopardy in any way.

Enough of the fearmongering. Enough of making people think that something is going to happen that is not going to happen. The simple truth

is that there will be legislation that will be legislation fashioned by the House and by the United States Senate and not by the United States Senate and not by this administration without those of us who have actual concerns about the United States Constitution having our say in that regard.

Civil liberties and civil rights are critical to America, and the foundational aspects of our country allow full airing before conclusions are made by people that have oriented the most secretive administration that I know of in the history of this country.

I won't go much further on that score on the previous question, Mr. Speaker. I return now to what we have heard about why we must pass this rule and the Public Housing Asset Management Improvement Act, which we are here about today. It is nice to have the nuances. It is nice to have the process. It is nice to have the procedural opportunities that the minority takes, and correctly they can bring up those matters which are not on the agenda today. I can assure my friends on the other side that the Speaker of the House of Representatives and those in this body, including the Blue Dogs, will address FISA legislation, and it will be appropriately undertaken to protect every American, every American's civil liberties and civil rights, and more important, to protect the Constitution of the United States of America.

Mr. Speaker, the American people deserve an opportunity to improve their lives. Transitional public housing opportunities have served this purpose for decades, nurturing families and yielding such leaders as some of us who serve in this Congress. Public housing authorities must be empowered to effectively and flexibly manage their assets with appropriate tenant oversight. My colleague on the other side mentioned private sector tools. I am fascinated by the notion that the private sector, which all of us respect, has been so careful with all of their management. If their management has been so successful, why is it, then, that there is a housing crisis in this Nation with reference to foreclosure?

This morning, Mr. Speaker, and I take the liberty of doing this because occasionally we come to the floor and talk about different matters, but a distant cousin of mine in Fort Worth, Texas, called me. Her name is Sharon Samuels. And Sharon shared her story with me about her involvement with her mortgage company, Countrywide. She has been in her home since 1993, she said, and in addition, thereto, had never taken out any of her equity out of her home. She has three children, all of them that she has managed to educate. And she was pursued by Countrywide to enter into a mortgage set of circumstances that has now led from her mortgage rising from \$1,100 to \$2,200 and foreclosure proceedings going forward without any forbearance or opportunity for her to do anything

other than lose all of her assets that she had developed during the years since 1993. I mention that because that is the private sector that has put an individual in a home, in a position of being in need of this kind of stuff that we are talking about here today. Hard-working Americans families should not suffer as a result of HUD's failed policies.

I applaud my colleagues for joining together in this effort that will benefit the low-income families, the elderly and the disabled Americans who live in public housing. This bill has been endorsed by all the groups that represent not only public housing administrators and agencies but also tenant advocacy groups. The bill is supported by the Council of Large Public Housing Authorities, the Public Housing Authorities Directors Association, the National Association of Housing and Development Officials, National Housing Law Project, and the National Training and Information Center.

But guess who doesn't support it? Some people on the other side of the aisle who had an opportunity in the Financial Services Committee to offer amendments if they so choose, and they chose not to do so, and yet they will come here today and say that we are lacking on our side of the aisle in providing the necessary standards and providing the necessary tools for people to live in public housing.

Mr. Speaker, 15 years ago, I ran for the United States Congress, and among the things that I said was I would try to improve public housing in my congressional district and throughout this Nation. I don't feel that I have succeeded. Twelve of those years have been spent under Republican administrations that were controlled by Republicans, 12 years in the House, 8 years just now, ending soon, happily, in November so that these \$18 billion backlogs and so that housing won't collapse and fall down around people.

This is the same administration that didn't answer in New Orleans. But what have we done? In the limited time that we are here, and I continue to hear criticism about what we have not done. What we have done in the House, we passed the section 8 voucher reform program that increases the number of families, veterans, and seniors that are able to afford safe homes by adding 20,000 new vouchers. We did expand the Homeownership Act of 2007 that allows the population of borrowers to have access to the Federal Housing Administration. In this House we have passed the National Affordable Housing Trust Fund Act of 2007, which creates a fund to use and build more affordable housing for low-income families and families who have lost their homes to foreclosure.

□ 1300

They keep saying that the agenda isn't good. We passed the Housing Finance Reform Act and expanded the size of loans that can be issued by

Freddie Mac and Fannie Mae. We passed the Mortgage Reform and Anti-Predatory Lending Act that increases transparency and heightens standards to keep brokers from practicing predatory lending. Save us from these people who argue that asset management is a landmark program change now several years in the making? You bet it is.

What I don't understand is why is it poor people are always the ones that have to take it right on the chin every time this Nation gets itself in a crisis. The National Training and Information Center sponsored by La Raza; the Center for Community Change; the Chicago Rehab Network; Cleveland Housing Tenant Association; Fall River Housing Joint Tenants Council; Legal Aid Justice Center; Miami Workers Center, all sorts of organizations. I will include all of the letters of all of the organizations I have for the RECORD.

NATIONAL TRAINING
AND INFORMATION CENTER,
Chicago, IL, February 7, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER, The undersigned 150 democratic grassroots resident organizing groups and allies would like to convey our strong support for protecting the rights of public housing residents to organize, as delineated in H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. As the transition to a system of asset management is one of the most significant shifts facing the administration of public housing in many years, it is more important than ever that public housing residents are involved in the decisionmaking processes at the local and national levels.

In April of 2007, the National Training & Information Center (NTIC) submitted a letter to Congress endorsed by local, statewide, and national organizations in protest of recent attempts to undermine the efforts of resident and community organizations to participate in the decisions around public housing that impact their communities and their lives. One of those attempts was a notice by HUD on March 1, 2007 to streamline the process to waive 24 CFR 964, which outlines the rights of residents to organize, for PHAs transitioning to asset management. Section 4 of H.R. 3521 is critical in order to ensure that the congressionally sanctioned rights to organize for public housing residents are protected.

The NTIC network is of the perspective that residents must be central to the discourse around policies that impact them—both at the local and national level. Section 4 of this bill will ensure that the voices of public housing residents are not lost in the implementation of asset management. Over the past year, NTIC has brought together public housing residents and allies from 38 cities to identify the most pressing areas for reform of public housing policy. The right to organize and meaningful resident participation are among the highest priorities for residents across the country. In order to make asset management work for everyone, it is critical that residents are involved in decisions around its implementation.

The undersigned 150 local, statewide, and national organizations would like to convey our support for the principles outlined in Section 4 of H.R. 3521. Namely, we feel strongly that residents should have a right to organize in public housing and should be meaningfully and substantively involved in the decisions that impact their lives—both

at the local and national level. Specifically, it is critical that the rights bestowed by 24 CFR 964 not be undermined by the transition to asset management. We hope that we can rely on your support for these principles.

Access Living—Chicago, IL.
Annapolis Tenant Task Force—Boston, MA.
Beacon Glen Resident Association—Cincinnati, OH.
Bethel New Life—Chicago, IL.
Bethune Village Resident Council—Daytona Beach, FL.
Border Fair Housing & Economic Justice Center—El Paso, Texas
Bowen Homes Resident Association—Atlanta, GA.
Cabrin Green Rowhouse Council—Chicago, IL.
California Coalition for Rural Housing—California State
Center for Community Change—National
Central Advisory Council—Chicago, IL.
Central Illinois Organizing Project—Central Illinois
Chicago Coalition for the Homeless—Chicago, IL.
Chicago Rehab Network—Chicago, IL.
Cleveland Housing Resident Association—Cleveland, TN.
Clinton Springs Resident Association—Cincinnati, OH.
Coalition to Protect Public Housing—Chicago, IL.
Communities United for Action—Cincinnati, OH.
Community Voices Heard—New York, NY.
Connecticut Legal Services—Connecticut State
Consumer Action—National
Crossroads Urban Center—Salt Lake City, UT.
Detroit United Organizing for Power—Detroit, MI.
District of Columbia Grassroots Empowerment Project—Washington, DC.
Empower DC—Washington, DC.
Empowering & Strengthening Ohio's People—Cleveland, OH.
Erie Tenant Council—Erie, PA.
Everywhere & Now Public Housing Residents Organizing Nationally Together—National
Fall River Housing Joint Tenants Council Inc.—Fall River, MA.
Families United for Racial and Economic Equality—New York, NY
Faneuil Tenant Task Force—Boston, MA.
Findlater Gardens Resident Association—Cincinnati, OH.
Fuerza Laboral/Power of Workers—Providence, RI.
Good Old Lower East Side—New York, NY.
Grass Roots Organizing—Mexico, MO.
Guste Homes Resident Management Corporation—New Orleans, LA
Hartford Organizing for Power & Equality—Hartford, CT.
Homeline—Minnesota State
Horizon Hills Resident Association—Cincinnati, OH.
Housing Action Illinois—Illinois State
Housing Choices Coalition—Santa Cruz, CA.
Housing Rights Committee of San Francisco—San Francisco, CA.
Housing Trust Fund Project—National
Illinois Network of Centers for Independent Living—Illinois State
Imagine Supported Living—Santa Cruz, CA.
Iowa Citizens for Community Improvement—Iowa State
Jane Addams Senior Caucus—Chicago, IL.
Janie Poe Residents Council—Sarasota, FL.
Jurisdiction-Wide Resident Advisory Board—Cincinnati, OH.

Just Cause Oakland—Oakland, CA.
 Kalamazoo Homeless Action Network—Kalamazoo, MI.
 Lafayette Resident Advisory Board—Lafayette, WI.
 Lake City House Council—Seattle, WA.
 Lake County Center for Independent Living—Lake County, IL.
 Lake Park East Tenant Association—Chicago, IL.
 Lakeview Action Coalition—Chicago, IL.
 La Playa Resident Council—San Diego, CA.
 La Raza Centro Legal—San Francisco, CA.
 Lawyers' Committee for Better Housing—Chicago, IL.
 Lebanon Tenants Association—Lebanon, PA.
 Le Claire Court Community Development Corporation—Chicago, IL.
 Legacy of Equality, Leadership and Organizing—Seattle, WA.
 Legal Aid Justice Center—Charlottesville, VA.
 Legal Aid Justice Center—Richmond, VA.
 Legal Assistance Resource Center of Connecticut—Connecticut State.
 Liberty Apartments Resident Association—Cincinnati, OH.
 Livermore Tenants and Neighbors—Livermore, CA.
 Logan Square Neighborhood Association—Chicago, IL.
 Los Angeles Coalition to End Hunger and Homelessness—Los Angeles, CA.
 Lowden Homes Local Advisory Council—Chicago, IL.
 Low Income Families Fighting Together—Miami, FL.
 Madera Action Coalition—Madera, CA.
 Maine Association of Interdependent Neighborhoods—Maine State.
 Maine Equal Justice Partners—Maine State.
 Mar Vista Gardens Resident Advisory Committee—Los Angeles, CA.
 Massachusetts Alliance of HUD Tenants—Massachusetts State.
 Massachusetts Union of Public Housing Tenants—Massachusetts State.
 Mennonite Central Committee—National.
 Metro Atlanta Task Force on Housing & Homelessness—Atlanta, GA.
 Metropolitan Tenants Organization—Chicago, IL.
 Miami Workers Center—Miami, FL.
 Millvale Resident Association—Cincinnati, OH.
 Mineral Manor Resident Council—Reno, NV.
 Minneapolis High Rise Council—Minneapolis, MN.
 Mission Terrace Residents Association—San Jose, CA.
 Mississippi Coalition for Citizens with Disabilities—Mississippi State.
 Mobilizing and Organizing for Victory and Empowerment—Minneapolis, MN.
 Mothers on the Move—New York, NY.
 Myra Birch Manor Resident Council—Reno, NV.
 National Alliance of HUD Tenants—National.
 National Association for the Advancement of Colored People—Richmond, VA.
 National Association of Consumer Advocates—National.
 National Association of Resident Management Corporations—National.
 National Economic and Social Rights Initiative—National.
 National People's Action—National.
 National Training & Information Center—National.
 New Direction for Change—Chicago, IL.
 New Orleans Women's Health Clinic—New Orleans, LA.
 New Orleans Women's Health & Justice Initiative—New Orleans, LA.

Neill Resident Association—St. Paul, MN.
 North Valley Community Cooperative—North Valley, NM.
 North West Bronx Community & Clergy Coalition—New York, NY.
 North West Side Housing Center—Chicago, IL.
 New York City AIDS Housing Network—New York, NY.
 New York City Public Housing Residents Alliance—New York, NY.
 Oahu Housing Task Force—Oahu, HI.
 Old Colony Tenant Task Force—Boston, MA.
 Organization of the North East—Chicago, IL.
 Organizing Neighborhood Equity DC—Washington, D.C.
 Peabody-Englewood Tenant Task Force—Boston, MA.
 People for Community Recovery—Chicago, IL.
 People Organized for Westside Renewal—Los Angeles, CA.
 People Organized to Win Employment Rights—San Francisco, CA.
 People Organizing to Demand Environmental & Economic Rights—San Francisco, CA.
 People United to Secure Housing—Kalamazoo, MI.
 Pittsburg Community Reinvestment Corporation—Pittsburg, PA.
 Portland Tenants Union—Portland, ME.
 Praxis Project—National.
 Public Housing Association of Residents—Charlottesville, VA.
 Public Housing Residents of the Lower East Side—New York, NY.
 Public Housing Residents of Trumbull Park Homes—Chicago, IL.
 Resident Owned Business, Inc.—Gary, IN.
 Residents of Salem United—Salem, OH.
 Rhode Island HUD Tenant Project—Rhode Island State.
 Richland Resident Council—Richland County, MT.
 Rogers Park Section 8 Tenants Council—Chicago, IL.
 Rose Garden Apartment Association of Residents—Las Vegas, NV.
 Safe Streets/Strong Communities—New Orleans, LA.
 Senior Action Council—Phoenix, AZ.
 Seventy St. Botolph Street Tenant Taskforce—Boston, MA.
 Single Mothers on the Move—Hartford, CT.
 South Austin Coalition Community Council—Chicago, IL.
 Southside Together Organizing for Power—Chicago, IL.
 Sunflower Community Action—Kansas State.
 Survivors Village—New Orleans, LA.
 Sutter View Resident Council—Cincinnati, OH.
 Syracuse United Neighbors—Syracuse, NY.
 Tenants Union of Washington State—Washington State.
 Tenants Rallying In Unity to Maintain Public Housing—New York, NY.
 Transadvocacy Coalition—Hartford, CT.
 Tri-City Resident Council—Southeastern Kentucky.
 Union de Vecinos—Los Angeles, CA.
 United Community Housing Coalition—Hartland, VT.
 United Residents for Housing Rights—Jackson, OH.
 Upland Residents Association—Upland, CA.
 West Broadway Tenant Task Force—Boston, MA.
 Whittier Street Tenant Task Force—Boston, MA.
 Winton Terrace Resident Association—Cincinnati, OH.

NATIONAL ASSOCIATION OF HOUSING
 AND REDEVELOPMENT OFFICIALS,
 Washington DC, February 1, 2008.

Hon. ALBIO SIRES,
House of Representatives,
 Washington DC.

DEAR REPRESENTATIVE SIRES: On behalf of the more than 22,000 members of the National Association of Housing and Redevelopment Officials (NAHRO), I am pleased to join with our industry colleagues the Public Housing Authority Directors Association (PHADA) and the Council of Large Public Housing Agencies (CLPHA) in formally expressing our strong support for House passage of H.R. 3521, "The Public Housing Asset Management and Improvement Act."

We believe H.R. 3521 contains provisions that will help ensure a responsible and practicable transition to asset management. The bill would establish a reasoned process for defining and determining management and related fees and a suitable transition period for implementing them. The bill also addresses concerns expressed by NAHRO and our industry colleagues with regard to the practicality and cost-effectiveness of asset management for local housing agencies with fewer than 500 public housing units. We believe H.R. 3521 correctly makes the transition to asset management optional for agencies with portfolios of this size. The legislation also confirms current law enabling the use of capital fund dollars used for operating purposes as permitted for central office costs.

Finally the legislation reaffirms current statute with respect to the right of residents to provide input and participate in the development of local agency policies.

NAHRO maintains that the provisions contained in H.R. 3521 are necessary and would, upon final enactment, resolve some of the more difficult and problematic concerns expressed by our members with regard to the transition to asset management as defined by recent HUD policies and directives. NAHRO has and will continue to work with the Department to ensure a smooth transition to public housing asset management, but strongly feels that congressional action providing clarity and certainty with respect to the items noted above is necessary and warranted.

We thank you for your leadership on this issue and stand ready to be of further assistance as appropriate.

Respectfully,

SAUL N. RAMIREZ, JR.

COUNCIL OF LARGE
 PUBLIC HOUSING AUTHORITIES,
 Washington, DC, January 30, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: On behalf of the Council of Large Public Housing Authorities (CLPHA), I am writing in support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007, and to urge passage of this sensible legislation by the U.S. House of Representatives.

Asset management is landmark program change now several years in the making. CLPHA members have made the commitment to transition to a flexible asset management system, a shift involving sweeping management and accounting changes.

Provisions in the legislation of most concern to our members are those relating to management and related fees and the prohibition on restriction of fungibility of capital fund amounts. The legislation allows:

Housing agencies and HUD to have an expanded formal process by April 1, 2009, the basis of which is already established in the Public Housing Operating Fund Final Rule,

enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Once arrived upon, execution of those fees would commence in 2011; and

Housing agencies to use a portion of their Capital Fund grant towards eligible operating expenses. This provision was first established by Congress in 1996 and reinforced in the 2008 HUD appropriations bill in recognition of housing agencies' need for funding flexibility—a need which has only increased over time.

We thank you for your leadership and support of public housing and look forward to working with you on passage of this legislation.

Sincerely,

SUNIA ZATERMAN,
Executive Director.

NATIONAL HOUSING LAW PROJECT,
Oakland, CA, February 25, 2008.

Hon. ALBIO SIREs,
Committee on Banking, Housing and Urban Affairs, Longworth Office Building, Washington, DC.

DEAR CONGRESSMAN SIREs: We are writing to convey our support for H.R. 3521, the Public Housing Asset Management Improvement Act. The focus of our support is based upon the resident participation provision.

The National Housing Law Project (NHLP) is a 40 year old national housing law and advocacy center whose mission is to advance housing justice for poor people. NHLP's goals are to increase and preserve the supply of decent affordable housing, improve housing conditions for very low-income persons and households, expand and enforce low-income tenants' and homeowners' rights and increase housing opportunities for racial and ethnic minorities. In pursuit of these goals, NHLP provides support through written materials, training, legislative and administrative advocacy, litigation, and technical assistance on housing issues affecting very low income families. NHLP works with numerous legal services organizations around the country.

HUD and public housing agencies (PHAs) are currently engaged in the very substantial effort of transitioning to and implementing asset management. This effort is having a substantial impact at the local level. PHAs that never applied for operating subsidies are now doing so. Other PHAs are experiencing cuts in operating subsidies due to asset management and the new funding formula. All PHAs are making new staffing and program determinations because of the requirements of project-based management and project-based budgets, all of which affect current residents. Simultaneously most PHAs are experiencing a cut in operating subsidies because of the low level of funding for such subsidies. In this environment of change, it is vital that the Secretary of HUD issue guidance supporting resident participation in the implementation of asset management and the development of local policies that arise from that effort.

It is also critical that Congress recognize the rights of public housing residents to organized and represent their members. Previously, Congress recognize these rights for residents of other federally assisted but privately owned housing. See 12 U.S.C. §1715z-1b(4). It is important that Congress also recognize the same rights for the approximately 1.2 million public housing families.

Sincerely,

CATHERINE M. BISHOP,
Staff attorney.

PUBLIC HOUSING AUTHORITIES
DIRECTORS ASSOCIATION,
Washington, DC, January 31, 2008.

Hon. ALBIO SIREs,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SIREs: On behalf of its members. PHADA thanks you for your support of the public housing program and for your efforts to ensure the workability of public housing asset management. Asset management is a landmark program change now several years in the making. During this time, PHADA has advocated for a cost-effective and practicable transition to asset management; a transition that would also enable smaller housing agencies (for whom the transition to individual project based management is neither cost effective nor practical) to be exempt from the process altogether.

The Public Housing Asset Management Improvement Act of 2008 (H.R. 3521) would authorize in statute recommendations long advocated for and broadly supported by PHADA's membership; recommendations that would accomplish this overall objective. PHADA is pleased to express its strong support for the passage of this important and necessary legislation.

H.R. 3521 will make possible the following:

1. In 2009, housing agencies and HUD will have an expanded formal process, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Further, once arrived upon, execution of those fees would commence in 2011.

2. Small housing authorities that own and manage between 250 to 500 public housing units, 12 percent of all agencies, will gain regulatory relief in that the transition to asset management will be optional for them.

3. The legislation upholds current statute by which public housing residents may organize and participate in the development of policies at public housing agencies.

PHADA believes these simple provisions will mitigate implementation impediments broadly identified by its members and would provide flexibility critical to housing agencies' survival in a time of dwindling resources.

PHADA views these items as being essential to the fair, efficient and effective implementation of asset management as currently defined by HUD. It welcomes the opportunity to continue to work with the Department and Members of Congress to ensure that the administration of asset management is handled in a responsible manner going forward. Thank you for the opportunity to express these views.

Respectfully,

TIMOTHY G. KAISER,
Executive Director.

Mr. Speaker, I am prepared to yield back the balance of my time, but not before saying that I urge a "yes" vote on the previous question and the rule and remind people that this passed the Financial Services Committee by voice vote.

Oh, no, we are not here about FISA. We are not here about earmarks. We are here about public housing for poor people in a country that has dumped on them over and over and over again. We will get to earmarks. We will get to FISA.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 974

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 4. "That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

On approving the Journal, by the yeas and nays;

On ordering the previous question on H. Res. 974, by the yeas and nays;

On adopting the resolution, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 226, nays 183, answered "present" 1, not voting 18, as follows:

[Roll No. 72]

YEAS—226

Abercrombie	Bean	Bishop (NY)
Ackerman	Becerra	Bishop (UT)
Andrews	Berkley	Blumenauer
Arcuri	Berman	Boren
Baca	Berry	Boswell
Baird	Bilirakis	Boucher
Baldwin	Bishop (GA)	Boyd (FL)

Boyd (KS)	Hunter	Peterson (PA)
Brady (PA)	Inslee	Petri
Braley (IA)	Israel	Pickering
Brown, Corrine	Jackson (IL)	Pomeroy
Buchanan	Jackson-Lee	Price (NC)
Butterfield	(TX)	Rahall
Capps	Jefferson	Rangel
Capuano	Johnson (GA)	Reyes
Cardoza	Johnson (IL)	Richardson
Carnahan	Johnson, E. B.	Rodriguez
Castor	Jones (NC)	Ross
Chandler	Kagen	Rothman
Clarke	Kanjorski	Roybal-Allard
Clay	Kaptur	Ruppersberger
Cleaver	Kennedy	Salazar
Clyburn	Kildee	Sánchez, Linda
Cohen	Kilpatrick	T.
Conyers	Kind	Sarbanes
Cooper	Klein (FL)	Saxton
Costa	Kucinich	Schakowsky
Costello	Kuhl (NY)	Schiff
Courtney	Lampson	Schwartz
Cramer	Langevin	Scott (GA)
Crowley	Larsen (WA)	Scott (VA)
Cummings	Larson (CT)	Serrano
Davis (AL)	Lee	Sestak
Davis (CA)	Levin	Shea-Porter
Davis (IL)	Lewis (GA)	Sherman
Davis, Lincoln	Linder	Shuster
DeFazio	Lipinski	Sires
DeGette	Loeback	Skelton
Delahunt	Lofgren, Zoe	Slaughter
DeLauro	Lowey	Smith (NJ)
Dent	Maloney (NY)	Smith (WA)
Dicks	Markay	Snyder
Dingell	Marshall	Solis
Doggett	Matsui	Space
Doyle	McCarthy (NY)	Spratt
Edwards	McCollum (MN)	Stark
Ellison	McDermott	Sullivan
Emanuel	McGovern	Tanner
Engel	McIntyre	Tauscher
Eshoo	McNerney	Taylor
Etheridge	McNulty	Thompson (CA)
Farr	Meek (FL)	Thompson (MS)
Fattah	Meeks (NY)	Tierney
Filner	Melancon	Towns
Frank (MA)	Michaud	Tsongas
Gerlach	Miller (NC)	Turner
Gillibrand	Miller, George	Udall (CO)
Green, Al	Moore (KS)	Udall (NM)
Green, Gene	Grijalva	Van Hollen
Grijalva	Moran (VA)	Velázquez
Hall (NY)	Murphy (CT)	Visclosky
Hare	Murphy, Patrick	Walz (MN)
Harman	Murtha	Wasserman
Hastings (FL)	Nadler	Schultz
Herseht Sandlin	Napolitano	Neal (MA)
Higgins	Hill	Oberstar
Hill	Hinchey	Obey
Hinche	Hinojosa	Olver
Hinojosa	Hirono	Ortiz
Hirono	Hodes	Pallone
Hodes	Hoekstra	Pascrell
Hoekstra	Holden	Pastor
Holden	Holt	Paul
Holt	Honda	Payne
Honda	Hooley	Perlmutter
Hooley	Hoyer	

NAYS—183

Aderholt	Calvert	Duncan
Akin	Camp (MI)	Ehlers
Alexander	Campbell (CA)	Ellsworth
Altmire	Cannon	Emerson
Bachmann	Cantor	English (PA)
Bachus	Capito	Everett
Barrett (SC)	Carney	Fallin
Barrow	Carter	Feeney
Bartlett (MD)	Castle	Ferguson
Barton (TX)	Chabot	Flake
Biggert	Coble	Forbes
Bilbray	Cole (OK)	Fortenberry
Blackburn	Conaway	Fossella
Blunt	Crenshaw	Fox
Boehner	Cubin	Franks (AZ)
Bonner	Cuellar	Frelinghuysen
Bono Mack	Culberson	Gallegly
Boozman	Davis (KY)	Garrett (NJ)
Boustany	Davis, David	Giffords
Brady (TX)	Davis, Tom	Gilchrest
Broun (GA)	Deal (GA)	Gingrey
Brown (SC)	Diaz-Balart, L.	Goode
Brown-Waite,	Diaz-Balart, M.	Goodlatte
Ginny	Donnelly	Gordon
Burgess	Doolittle	Granger
Burton (IN)	Drake	Hall (TX)
Buyer	Dreier	Hastings (WA)

Hayes	McMorris	Ryan (WI)
Heller	Rodgers	Sali
Hensarling	Mica	Sanchez, Loretta
Herger	Miller (FL)	Schmidt
Hobson	Miller (MI)	Sensenbrenner
Inglis (SC)	Miller, Gary	Sessions
Issa	Mitchell	Shadegg
Johnson, Sam	Moran (KS)	Shays
Jordan	Murphy, Tim	Shimkus
King (IA)	Musgrave	Shuler
King (NY)	Myrick	Simpson
Kingston	Neugebauer	Smith (NE)
Kirk	Nunes	Smith (TX)
Kline (MN)	Pearce	Souder
Knollenberg	Pence	Stearns
LaHood	Peterson (MN)	Stupak
Lamborn	Pitts	Terry
Latham	Platts	Thornberry
LaTourette	Poe	Tiahrt
Latta	Porter	Tiberi
Lewis (CA)	Price (GA)	Upton
Lewis (KY)	Putnam	Walberg
LoBiondo	Radanovich	Walden (OR)
Lucas	Ramstad	Walsh (NY)
Mack	Regula	Wamp
Mahoney (FL)	Rehberg	Weldon (FL)
Manzullo	Reichert	Weller
Matheson	Renzi	Westmoreland
McCarthy (CA)	Rogers (AL)	Wilson (NM)
McCaul (TX)	Rogers (KY)	Wilson (SC)
McCotter	Rogers (MI)	Wittman (VA)
McCrery	Rohrabacher	Wolf
McHenry	Ros-Lehtinen	Young (AK)
McHugh	Roskam	Young (FL)
McKeon	Royce	

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—18

Allen	Keller	Rush
Gohmert	Lungren, Daniel	Ryan (OH)
Gonzalez	E.	Sutton
Graves	Marchant	Wexler
Gutierrez	Mollohan	Woolsey
Hulshof	Pryce (OH)	
Jones (OH)	Reynolds	

□ 1328

Mr. SHADEGG and Mrs. MYRICK changed their vote from "yea" to "nay."

Mr. JOHNSON of Georgia and Ms. SLAUGHTER changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3521, PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 974, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 212, nays 198, not voting 18, as follows:

[Roll No. 73]

YEAS—212

Abercrombie	Berman	Braley (IA)
Ackerman	Berry	Brown, Corrine
Altmire	Bishop (GA)	Butterfield
Andrews	Bishop (NY)	Capps
Arcuri	Blumenauer	Capuano
Baca	Boswell	Cardoza
Baird	Boucher	Carnahan
Baldwin	Boyd (FL)	Castor
Becerra	Boyd (KS)	Chandler
Berkley	Brady (PA)	Clarke

Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Viscosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

Rush
Ryan (OH)
Sutton
Wexler
Woolsey

□ 1335

RECORDED VOTE

[Roll No. 74]

AYES—218

NOES—190

Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musrgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad

NAYS—198

Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield

Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner

Sessions
Shadegg
Shays
Shinkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi

Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Allen
Boswell
Graves
Gutierrez
Hinojosa
Hulshof
Jones (OH)

Keller
Lungren, Daniel
E.
Marchant
Mollohan
Moore (WI)
Pryce (OH)

Reynolds
Rush
Ryan (OH)
Smith (TX)
Sutton
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1342

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 74, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 73 and 74, had I been present, I would have voted "yea" on No. 73 and "aye" on No. 74.

The SPEAKER pro tempore. Pursuant to House Resolution 974, House Resolution 955 is laid on the table.

RESIGNATION AS MEMBER OF COMMITTEES ON AGRICULTURE AND SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Agriculture and Science and Technology:

FEBRUARY 21, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Thank you for your service and for your leadership. I appreciate all your hard work and commitment to upholding the proud traditions of the House of Representatives.

Due to my impending appointment to the Committee on Appropriations, I hereby respectfully submit my resignation from the Committee on Agriculture and the Committee on Science and Technology, effective Monday, February 25, 2008.

I appreciate your consideration and I look forward to working with you in the future. Please do not hesitate to contact me if I can ever be of assistance.

With kind regards, I am,
Sincerely,

JO BONNER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republic Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 998

Resolved, That the following Members are, and are hereby, elected to the following standing committees:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Bonner of Alabama;

(2) COMMITTEE ON THE BUDGET.—Mr. Jordan of Ohio;

(3) COMMITTEE ON FINANCIAL SERVICES.—Mr. Heller of Nevada;

(4) COMMITTEE ON NATURAL RESOURCES.—Mr. Smith of Nebraska, and Mr. Wittman of Virginia; and,

(5) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Latta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. SIRES. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 999

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FOREIGN AFFAIRS.—Ms. Lee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3521, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1345

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 2008.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

MADAM SPEAKER: This letter serves as my intent to resign from the Committee on

Small Business, effective Monday, February 25, 2008. It has been my honor and pleasure to serve on the committee and I look forward to the work ahead for the remainder of the 110th Congress.

Sincerely,

JIM JORDAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEES ON NATURAL RESOURCES, EDUCATION AND LABOR, AND SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Natural Resources, Education and Labor, and Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 2008.

Speaker NANCY PELOSI,
The Capitol,

Washington, DC.

Minority Leader JOHN BOEHNER,
The Capitol,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: This letter serves as my intent to resign from the House Natural Resources Committee, Education and Labor Committee, and Small Business Committee, effective Monday, February 25th, 2008. If you have any questions regarding this matter, please feel free to contact me. Thank you.

Sincerely,

DEAN HELLER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 974 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3521.

□ 1348

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. SIRES) and the gentleman from Illinois (Mr. ROSKAM) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SIRES. Mr. Chairman, I am very happy to be here debating this bill to help public housing authorities across

this Nation. Let me start by thanking Chairman BARNEY FRANK for his support on this bill and his leadership in the committee.

Let me start by explaining why I introduced this bill. Shortly after I was sworn in, I received a letter from the Jersey City Housing Authority in my district. They told me they had laid off 34 employees because of asset management. When I looked into this, I learned that Jersey City was not unique. Over 800 public housing authorities had their operating budgets cut because of the way asset management was implemented by the U.S. Department of Housing and Urban Development. At the same time, the Department limited the amount of flexibility given to public housing authorities to make ends meet.

I knew something had to be done. With the support of Chairman FRANK, Chairwoman WATERS, and others, I introduced H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. You will note that the title indicates that the bill improves asset management. It does not, and I repeat, it does not put an end to asset management. That is because I feel strongly that the goals of the asset management are worthwhile. By making public housing authorities run more efficiently, asset management has the potential to improve the lives of all those who live in public housing in this country.

My bill simply makes four improvements to the asset management rule. First, it requires renewed negotiations over the management fee. A little background in this is probably helpful. In 1998, Congress passed the Quality Housing and Work Responsibility Act of 1998, which called on the Department to replace the old funding system with a new, more efficient system. In 2004, a negotiated rulemaking committee gathered to decide how to implement this new system known as asset management. One key piece was the management fee, and Congress required that the fee be reasonable. The negotiators never discussed the management fee, and industry groups have argued that it was set arbitrarily by the Department in its final rule because it lacked input from the negotiated rulemaking committee. My bill requires new negotiations to establish a reasonable fee and allows public housing authorities to revert back to their old funding mechanism until final implementation of asset management on January 1, 2011.

Second, my bill reaffirms current law by allowing public housing authorities to transfer funds between their operating fund and their capital fund. This provision prevents the Department from prohibiting such transfers. This flexibility is vital to agencies, particularly since the public housing program is underfunded. Housing authorities know best where they need funding, not Washington. There is wide agreement on this provision. In fact, this

provision was included in the Consolidated Appropriations Act for Fiscal Year 2008. That provision, however, is only valid for 1 year. My bill would make the change permanent.

Third, my bill increases the exemption threshold from small to medium-sized public housing authorities. The Department recognized that small authorities with fewer than 250 units of housing would not benefit from the efficiencies of asset management. The final rule exempts public housing authorities with fewer than 250 units of housing from implementing asset management. My bill simply raises this threshold to 500 units. Again, there is little disagreement on raising the threshold. The Consolidated Appropriations Act for Fiscal Year 2008 raised the exemption threshold to 400. My bill goes a little further to 500 units. The impact of this change will only affect 441 public housing authorities, some of whom may not opt out of asset management because they think it makes good sense. Even with this change, over two-thirds of all public housing units still will be covered by asset management rules.

Finally, my bill restates current law in terms of tenant participation. It simply says that tenants should be allowed to participate in the decisions affecting their homes. It prohibits the Department from altering tenant participation rights, and it encourages public housing authorities to include tenants in discussion about asset management that directly affects their home.

Let me end by talking about who supports this bill. We have received letters of support from the Council of Large Public Housing Authorities, the Public Housing Authorities Directors Association, the National Association of Housing and Redevelopment Officials, and the National Training and Information Center.

I submit these letters for the RECORD.

NATIONAL TRAINING
AND INFORMATION CENTER,
Chicago, IL, February 7, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: The undersigned 150 democratic grassroots resident organizing groups and allies would like to convey our strong support for protecting the rights of public housing residents to organize, as delineated in H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. As the transition to a system of asset management is one of the most significant shifts facing the administration of public housing in many years, it is more important than ever that public housing residents are involved in the decision-making processes at the local and national levels.

In April of 2007, the National Training & Information Center (NTIC) submitted a letter to Congress endorsed by local, statewide, and national organizations in protest of recent attempts to undermine the efforts of resident and community organizations to participate in the decisions around public housing that impact their communities and their lives. One of those attempts was a notice by HUD on March 1, 2007 to streamline

the process to waive 24 CFR 964, which outlines the rights of residents to organize, for PHAs transitioning to asset management. Section 4 of H.R. 3521 is critical in order to ensure that the congressionally sanctioned rights to organize for public housing residents are protected.

The NTIC network is of the perspective that residents must be central to the discourse around policies that impact them—both at the local and national level. Section 4 of this bill will ensure that the voices of public housing residents are not lost in the implementation of asset management. Over the past year, NTIC has brought together public housing residents and allies from 38 cities to identify the most pressing areas for reform of public housing policy. The right to organize and meaningful resident participation are among the highest priorities for residents across the country. In order to make asset management work for everyone, it is critical that residents are involved in decisions around its implementation.

The undersigned 150 local, statewide, and national organizations would like to convey our support for the principles outlined in Section 4 of H.R. 3521. Namely, we feel strongly that residents should have a right to organize in public housing and should be meaningfully and substantively involved in the decisions that impact their lives—both at the local and national level. Specifically, it is critical that the rights bestowed by 24 CFR 964 not be undermined by the transition to asset management. We hope that we can rely on your support for these principles.

Thank you for listening to the voices of the people!

Signed,

Access Living—Chicago, IL.
Annapolis Tenant Task Force—Boston, MA.
Beacon Glen Resident Association—Cincinnati, OH.
Bethel New Life—Chicago, IL.
Bethune Village Resident Council—Daytona Beach, FL.
Border Fair Housing & Economic Justice Center—El Paso, TX.
Bowen Homes Resident Association—Atlanta, GA.
Cabrin Green Rowhouse Council—Chicago, IL.
California Coalition for Rural Housing—California State
Center for Community Change—National Central Advisory Council—Chicago, IL.
Central Illinois Organizing Project—Central Illinois
Chicago Coalition for the Homeless—Chicago, IL.
Chicago Rehab Network—Chicago, IL.
Cleveland Housing Resident Association—Cleveland, TN.
Clinton Springs Resident Association—Cincinnati, OH.
Coalition to Protect Public Housing—Chicago, IL.
Communities United for Action—Cincinnati, OH.
Community Voices Heard—New York, NY.
Connecticut Legal Services—Connecticut State
Consumer Action—National
Crossroads Urban Center—Salt Lake City, UT.
Detroit United Organizing for Power—Detroit, MI.
District of Columbia Grassroots Empowerment Project—Washington, DC.
Empower DC—Washington, DC.
Empowering & Strengthening Ohio's People—Cleveland, OH.
Erie Tenant Council—Erie, PA.
Everywhere & Now Public Housing Residents Organizing Nationally Together—National

Fall River Housing Joint Tenants Council Inc.—Fall River, MA.
 Families United for Racial and Economic Equality—New York, NY.
 Faneuil Tenant Task Force—Boston, MA.
 Findlater Gardens Resident Association—Cincinnati, OH.
 Fuerza Laboral/Power of Workers—Providence, RI.
 Good Old Lower East Side—New York, NY.
 Grass Roots Organizing—Mexico, MO.
 Guste Homes Resident Management Corporation—New Orleans, LA.
 Hartford Organizing for Power & Equality—Hartford, CT.
 Homeline—Minnesota State
 Horizon Hills Resident Association—Cincinnati, OH.
 Housing Action Illinois—Illinois State
 Housing Choices Coalition—Santa Cruz, CA.
 Housing Rights Committee of San Francisco—San Francisco, CA.
 Housing Trust Fund Project—National
 Illinois Network of Centers for Independent Living—Illinois State
 Imagine Supported Living—Santa Cruz, CA.
 Iowa Citizens for Community Improvement—Iowa State
 Jane Addams Senior Caucus—Chicago, IL.
 Janie Poe Residents Council—Sarasota, FL.
 Jurisdiction-Wide Resident Advisory Board—Cincinnati, OH.
 Just Cause Oakland—Oakland, CA.
 Kalamazoo Homeless Action Network—Kalamazoo, MI.
 Lafayette Resident Advisory Board—Lafayette, WI.
 Lake City House Council—Seattle, WA.
 Lake County Center for Independent Living—Lake County, IL.
 Lake Park East Tenant Association—Chicago, IL.
 Lakeview Action Coalition—Chicago, IL.
 La Playa Resident Council—San Diego, CA.
 La Raza Centro Legal—San Francisco, CA.
 Lawyers' Committee for Better Housing—Chicago, IL.
 Lebanon Tenants Association—Lebanon, PA.
 Le Claire Court Community Development Corporation—Chicago, IL.
 Legacy of Equality, Leadership and Organizing—Seattle, WA.
 Legal Aid Justice Center—Charlottesville, VA.
 Legal Aid Justice Center—Richmond, VA.
 Legal Assistance Resource Center of Connecticut—Connecticut State
 Liberty Apartments Resident Association—Cincinnati, OH.
 Livemore Tenants and Neighbors—Livermore, CA.
 Logan Square Neighborhood Association—Chicago, IL.
 Los Angeles Coalition to End Hunger and Homelessness—Los Angeles, CA.
 Lowden Homes Local Advisory Council—Chicago, IL.
 Low Income Families Fighting Together—Miami, FL.
 Madera Action Coalition—Madera, CA.
 Maine Association of Interdependent Neighborhoods—Maine State
 Maine Equal Justice Partners—Maine State
 Mar Vista Gardens Resident Advisory Committee—Los Angeles, CA.
 Massachusetts Alliance of HUD Tenants—Massachusetts State
 Massachusetts Union of Public Housing Tenants—Massachusetts State
 Mennonite Central Committee—National.
 Metro Atlanta Task Force on Housing & Homelessness—Atlanta, GA.

Metropolitan Tenants Organization—Chicago, IL.
 Miami Workers Center—Miami, FL.
 Millvale Resident Association—Cincinnati, OH.
 Mineral Manor Resident Council—Reno, NV.
 Minneapolis High Rise Council—Minneapolis, MN.
 Mission Terrace Residents Association—San Jose, CA.
 Mississippi Coalition for Citizens with Disabilities—Mississippi State
 Mobilizing and Organizing for Victory and Empowerment—Minneapolis, MN.
 Mothers on the Move—New York, NY.
 Myra Birch Manor Resident Council—Reno, NV.
 National Alliance of HUD Tenants—National
 National Association for the Advancement of Colored People—Richmond, VA.
 National Association of Consumer Advocates—National
 National Association of Resident Management Corporations—National
 National Economic and Social Rights Initiative—National
 National People's Action—National
 National Training & Information Center—National
 New Direction for Change—Chicago, IL.
 New Orleans Women's Health Clinic—New Orleans, LA.
 New Orleans Women's Health & Justice Initiative—New Orleans, LA.
 Neill Resident Association—St. Paul, MN.
 North Valley Community Cooperative—North Valley, NM.
 North West Bronx Community & Clergy Coalition—New York, NY.
 North West Side Housing Center—Chicago, IL.
 New York City AIDS Housing Network—New York, NY.
 New York City Public Housing Residents Alliance—New York, NY.
 Oahu Housing Task Force—Oahu, HI.
 Old Colony Tenant Task Force—Boston, MA.
 Organization of the North East—Chicago, IL.
 Organizing Neighborhood Equity DC—Washington, D.C.
 Peabody-Englewood Tenant Task Force—Boston, MA.
 People for Community Recovery—Chicago, IL.
 People Organized for Westside Renewal—Los Angeles, CA.
 People Organized to Win Employment Rights—San Francisco, CA.
 People Organizing to Demand Environmental & Economic Rights—San Francisco, CA.
 People United to Secure Housing—Kalamazoo, MI.
 Pittsburgh Community Reinvestment Corporation—Pittsburg, PA.
 Portland Tenants Union—Portland, ME.
 Praxis Project—National
 Public Housing Association of Residents—Charlottesville, VA.
 Public Housing Residents of the Lower East Side—New York, NY.
 Public Housing Residents of Trumbull Park Homes—Chicago, IL.
 Resident Owned Business, Inc.—Gary, IN.
 Residents of Salem United—Salem, OH.
 Rhode Island HUD Tenant Project—Rhode Island State
 Richland Resident Council—Richland County, MT.
 Rogers Park Section 8 Tenants Council—Chicago, IL.
 Rose Garden Apartment Association of Residents—Las Vegas, NV.
 Safe Streets/Strong Communities—New Orleans, LA.

Senior Action Council—Phoenix, AZ.
 Seventy St. Botolph Street Tenant Taskforce—Boston, MA.
 Single Mothers on the Move—Hartford, CT.
 South Austin Coalition Community Council—Chicago, IL.
 Southside Together Organizing for Power—Chicago, IL.
 Sunflower Community Action—Kansas State
 Survivors Village—New Orleans, LA.
 Sutter View Resident Council—Cincinnati, OH.
 Syracuse United Neighbors—Syracuse, NY.
 Tenants Union of Washington State—Washington State
 Tenants Rallying In Unity to Maintain Public Housing—New York, NY.
 Transadvocacy Coalition—Hartford, CT.
 Tri-City Resident Council—Southeastern Kentucky
 Union de Vecinos—Los Angeles, CA.
 United Community Housing Coalition—Hartland, VT.
 United Residents for Housing Rights—Jackson, OH.
 Upland Residents Association—Upland, CA.
 West Broadway Tenant Task Force—Boston, MA.
 Whittier Street Tenant Task Force—Boston, MA.
 Winton Terrace Resident Association—Cincinnati, OH.

NATIONAL ASSOCIATION OF HOUSING
 AND REDEVELOPMENT OFFICIALS,
Washington, DC, February 1, 2008.

Hon. ALBIO SRES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SRES: On behalf of the more than 22,000 members of the National Association of Housing and Redevelopment Officials (NAHRO), I am pleased to join with our industry colleagues the Public Housing Authority Directors Association (PHADA) and the Council of Large Public Housing Agencies (CLPHA) in formally expressing our strong support for House passage of H.R. 3521, "The Public Housing Asset Management and Improvement Act."

We believe H.R. 3521 contains provisions that will help ensure a responsible and practicable transition to asset management. The bill would establish a reasoned process for defining and determining management and related fees and a suitable transition period for implementing them. The bill also addresses concerns expressed by NAHRO and our industry colleagues with regard to the practicality and cost-effectiveness of asset management for local housing agencies with fewer than 500 public housing units. We believe H.R. 3521 correctly makes the transition to asset management optional for agencies with portfolios of this size. The legislation also confirms current law enabling the use of capital fund dollars used for operating purposes as permitted for central office costs.

Finally the legislation reaffirms current statute with respect to the right of residents to provide input and participate in the development of local agency policies.

NAHRO maintains that the provisions contained in H.R. 3521 are necessary and would, upon final enactment, resolve some of the more difficult and problematic concerns expressed by our members with regard to the transition to asset management as defined by recent HUD policies and directives. NAHRO has and will continue to work with the Department to ensure a smooth transition to public housing asset management, but strongly feels that congressional action providing clarity and certainty with respect to the items noted above is necessary and warranted.

We thank you for your leadership on this issue and stand ready to be of further assistance as appropriate.

Respectfully,

SAUL N. RAMIREZ, Jr.

COUNCIL OF LARGE
PUBLIC HOUSING AUTHORITIES,
Washington, DC, January 30, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: On behalf of the Council of Large Public Housing Authorities (CLPHA), I am writing in support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007, and to urge passage of this sensible legislation by the U.S. House of Representatives.

Asset management is landmark program change now several years in the making. CLPHA members have made the commitment to transition to a flexible asset management system, a shift involving sweeping management and accounting changes.

Provisions in the legislation of most concern to our members are those relating to management and related fees and the prohibition on restriction of fungibility of capital fund amounts. The legislation allows:

Housing agencies and HUD to have an expanded formal process by April 1, 2009, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Once arrived upon, execution of those fees would commence in 2011; and

Housing agencies to use a portion of their Capital Fund grant towards eligible operating expenses. This provision was first established by Congress in 1996 and reinforced in the 2008 HUD appropriations bill in recognition of housing agencies' need for funding flexibility—a need which has only increased over time.

We thank you for your leadership and support of public housing and look forward to working with you on passage of this legislation.

Sincerely,

SUNIA ZATERMAN,
Executive Director.

NATIONAL HOUSING LAW PROJECT,
Oakland, CA, February 25, 2008.

Hon. ALBIO SIRES,
Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR CONGRESSMAN SIRES: We are writing to convey our support for H.R. 3521, the Public Housing Asset Management Improvement Act. The focus of our support is based upon the resident participation provision.

The National Housing Law Project (NHLP) is a 40 year old national housing law and advocacy center whose mission is to advance housing justice for poor people. NHLP's goals are to increase and preserve the supply of decent affordable housing, improve housing conditions for very low-income persons and households, expand and enforce low-income tenants' and homeowners' rights and increase housing opportunities for racial and ethnic minorities. In pursuit of these goals, NHLP provides support through written materials, training, legislative and administrative advocacy, litigation and technical assistance on housing issues affecting very low income families. NHLP works with numerous legal services organizations around the country.

HUD and public housing agencies (PHAs) are currently engaged in the very substantial effort of transitioning to and implementing asset management. This effort is having a substantial impact at the local

level. PHAs that never applied for operating subsidies are now doing so. Other PHAs are experiencing cuts in operating subsidies due to asset management and the new funding formula. All PHAs are making new staffing and program determinations because of the requirements of project-based management and project-based budgets, all of which affects current residents. Simultaneously most PHAs are experiencing a cut in operating subsidies because of the low level of funding for such subsidies. In this environment of change, it is vital that the Secretary of HUD issue guidance supporting resident participation in the implementation of asset management and the development of local policies that arise from that effort.

It is also critical that Congress recognize the rights of public housing residents to organized and represent their members. Previously, Congress recognized these rights for residents of other federally assisted but privately owned housing. See 12 U.S.C. 1715z-1b(4). It is important that Congress also recognized the same rights for the approximately 1.2 million public housing families.

Sincerely,

CATHERINE M. BISHOP,
Staff Attorney.

PUBLIC HOUSING AUTHORITIES
DIRECTORS ASSOCIATION,
Washington, DC, January 31, 2008.

Hon. ALBIO SIRES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SIRES: On behalf of its members, PHADA thanks you for your support of the public housing program and for your efforts to ensure the workability of public housing asset management. Asset management is a landmark program change now several years in the making. During this time, PHADA has advocated for a cost-effective and practicable transition to asset management; a transition that would also enable smaller housing agencies (for whom the transition to individual project based management is neither cost effective nor practical) to be exempt from the process altogether.

The Public Housing Asset Management Improvement Act of 2008 (H.R. 3521) would authorize in statute recommendations long advocated for and broadly supported by PHADA's membership; recommendations that would accomplish this overall objective. PHADA is pleased to express its strong support for the passage of this important and necessary legislation.

H.R. 3521 will make possible the following:

1. In 2009, housing agencies and HUD will have an expanded formal process, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Further, once arrived upon, execution of those fees would commence in 2011.

2. Small housing authorities that own and manage between 250 to 500 public housing units, 12 percent of all agencies, will gain regulatory relief in that the transition to asset management will be optional for them.

3. The legislation upholds current statute by which public housing residents may organize and participate in the development of policies at public housing agencies.

PHADA believes these simple provisions will mitigate implementation impediments broadly identified by its members and would provide flexibility critical to housing agencies' survival in a time of dwindling resources.

PHADA views these items as being essential to the fair, efficient and effective implementation of asset management as currently defined by HUD. It welcomes the opportunity

to continue to work with the Department and Members of Congress to ensure that the administration of asset management is handled in a responsible manner going forward. Thank you for the opportunity to express these views.

Respectfully,

TIMOTHY G. KAISER,
Executive Director.

My office has taken calls from public housing authorities across this Nation, small, large, urban, and rural authorities supporting this bill, and I hope that Members will support this bill. Please make a difference for public housing residents and public housing authorities by easing their regulatory burden. Vote "yes" on H.R. 3521.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. The bill makes several changes to the Department of Housing and Urban Development's Public Housing Agency Asset Management Final Rule. And what I'd like to do, rather than reading a lengthy statement, is just sort of summarize some of my concerns in a nutshell.

Without question, there's been a great deal of good work and good faith that's been put in on this bill, but I think that there's a couple of key points that just fall a little bit short, and I think we can do better.

The first is, the exemption of so many public housing authorities from the asset management mandate. And that's something that's a good thing, on balance. Asset management says that if you've got unit A and unit B and unit C of public housing, then we're going to determine the cost of unit A, the cost of unit B, and the cost of unit C, and that we're not going to mix all these things up together and act as if each individual one isn't responsible for an individual cost. Asset management is a good business practice that makes all kinds of sense. And if the bill, as amended, is ultimately passed by this House, 88 percent of public housing authorities in the United States would be exempt. That's a bad idea.

The second thing that is actually a bigger concern to me, is section 2 of the bill, and it relates to management and related fees. Let me just read part of the language that this House is being asked to vote on. It says, "The Secretary shall not impose any," and that's the operative word, Mr. Chairman, "any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the Public Housing Agency unless," and then there's a couple of limitations that have to do with timing. The Secretary shall not impose any restriction or limitation. Any restriction? Any limitation? And who is it that's going to determine whether a fee is reasonable?

Well, under this bill, as amended, under this bill, it's going to be the very entity that's going to be the beneficiary of that fee. So we're essentially saying to the fox, Why don't you guard the henhouse? Why don't you decide what your fee is going to be, and you simply send the bill to the taxpayer, and that's the bill that's going to be paid? I think that's unreasonable. I think that common sense says, no, no, no. Common sense says, there's going to be someone else that determines reasonableness of fees before a bill is going to be paid. And what this does is it says, and it's a curious thing to me. I can't figure out for the life of me why. It says that the determination of reasonableness and the renegotiation of reasonableness can't be brought up for another year. This can't even be the subject of a conversation, a substantive negotiation, until April 1 of 2009. And then, even if something is negotiated then, it can't be imposed until 2011, 3 years away. I just think that's unreasonable, and I think it is a financial control that's in place that is being put adrift, and we're not going to be able to get it back for 3 years. Costs are going to go up. Mark my words.

Finally, this allows for the diversion of capital funds, Mr. Chairman. You know, there's always a natural tension, right, between capital funds and operating funds, and we hear that all the time. There is no shortage of national attention and national conversation and national concern about the atrophying of our capital, the atrophying of our infrastructure. And what we ought not be doing is creating more fungibility, in other words, more pressure to take money and divert precious capital money from capital expenditures, which are the traditional bricks and mortars of public housing to go into the operating side. And for those reasons, I rise in opposition.

Mr. Chairman, I reserve the balance of my time.

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Mr. SIRES. Mr. Chairman, I yield 5 minutes to the gentlelady from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I am indeed honored to be an original cosponsor of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007; and I want to thank Mr. SIRES and Chairman FRANK for their dedication and commitment to resolving this, at times, perplexing and confusing process known as asset management to which our public housing agencies have been struggling to adapt for several years now. This struggle has been made all the worse by the Department of Housing and Urban Development's overly prescriptive guidance on some issues, lack of guidance on other issues, and contradictory or insufficient guidance on everything in between.

I think we can all agree that public housing agencies can be better at managing our public housing resources and

that asset management has the potential to improve how public housing is managed nationwide. However, in examining the issues behind the implementation of asset management, it has become clear that HUD's one-size-fits-all approach simply won't work. In addition, the Department's willful disregard of existing statute as a part of the implementation is eroding the trust of housing agencies' residents and some Members of this Congress.

In light of the Department's actions and the need to proceed with asset management, my friend from New Jersey who introduced this bill, H.R. 3521, maintains and respects the negotiated rulemaking agreed to by all parties, housing agencies, their industry representatives and HUD and still requires housing agencies to convert to asset management by 2011.

However, the bill settles three outstanding issues that have slowed the implementation of asset management: number one, the amount of management fees; number two, the ability of housing agencies to use a portion of their capital funds while operating expenses as allowed under statute; and number three, the kind of housing agencies that must convert to asset management. These are all critical issues that must be decided before 2011.

H.R. 3521 would require negotiated rulemaking to settle the issue of management fees. The fees that the Department is attempting to impose on housing agencies are, in many cases, insufficient and will not meet the needs of housing agencies that have been historically underfunded.

In addition, these fees appear to have been arrived at in an arbitrary manner. Negotiated rulemaking on the subject of management fees would allow the Nation's housing managers to work with HUD to determine a reasonable fee for managing public housing. Because the date for full implementation of asset management would stay the same, negotiated rulemaking would not delay or stall conversion to asset management.

On the use of capital funds for operating expenses, the statute is very clear. Housing agencies have the ability to move 20 percent of their capital funds to their operating fund. However, in its guidance, the Department has disregarded this plain-as-day statute and has limited capital fund fungibility to 10 percent. The bill simply asserts what is already in law.

Large housing agencies will benefit the most from asset management due to the economies of scale that will result from streamlining their operations. By raising the threshold for conversion from housing agencies that manage 250 units to those that manage 500 units, the bill simply ensures that only those housing agencies with the ability to benefit from asset management are required to comply with it.

Furthermore, the bill makes sure that asset management does not stifle tenant participation and resident orga-

nization. Public housing residents are very concerned about how asset management will impact their ability to participate and to organize. The bill ensures that the ability of residents to remain involved and to be represented is not impinged upon.

Mr. Chairman, this bill does not undo, reverse, or undermine the original negotiated rulemaking between housing agencies and the Department. It simply settles four outstanding issues so that asset management can move forward.

Mr. ROSKAM. Mr. Chairman, I have no other speakers, and I will reserve the balance of my time.

Mr. SIRES. Mr. Chairman, I yield 4 minutes to my friend from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007.

I commend Chairman FRANK and commend Chairwoman WATERS and my colleague from New Jersey, Congressman ALBIO SIRES, for bringing to the floor this very important legislation. This is the most significant administrative transformation, Mr. Chairman, in 30 years dealing with all of the public housing authorities throughout the United States.

This bill, developed with the input of public housing agencies, administrators and tenants, is a commonsense measure that provides flexibility to the Nation's public housing authorities as they transition to asset management.

I must say to my friend from Illinois, the points that you bring up are salient, but it doesn't work here, and I will tell you why. H.R. 3521 was included as part of H.R. 2764, the Consolidated Appropriations Act of 2008, which the President signed on December 26, 2007. It's already law.

Specifically, the Consolidated Appropriations Act included the provision to allow flexible funding between the capital and operating funds. It also expanded the exemption from implementing asset management from public housing authorities with less than 250 units to public housing authorities with less than 400 units. This legislation that is before us today increases that threshold to 500 units. So what we are taking is something already in the law and expanding it.

H.R. 3521 would also be permanent whereas the Consolidated Appropriations Act would only put provisions in place for the year 2008. I ask that that be considered, and I think it is a very important part of what we are debating today.

Asset management is an efficient administrative style that allows public housing authorities to manage each individual housing development on a project-level basis as opposed to managing developments on an agency-wide basis.

While most stakeholders support the idea of asset management, they believe that HUD has implemented its inflexibility. For example, HUD has mandated that public housing authorities

demonstrate compliance. So this is not a willy-nilly situation here. This is something you have to comply to the law. New rules will be established by 2011, which the PHAs believe is too soon. You have to get these public housing authorities that have been operating, many of them for 30 years, the flexibility for compliance. And HUD is overseeing them. You act as if there is no one who is auditing the books.

We need time to issue timely and complete guidance on these new regulations causing some PHAs to lose funding and staff. I don't think any of us want that.

During this time of declining resources for public housing, when is the last time we built public housing? When is the last time we built public housing for seniors at a time when we know what is going on out there with people losing homes? When is the last time we have provided public housing?

So during this time of declining resources for public housing, it is imperative that we provide them with the flexibility they need to use their funds as they see fit. This legislation requires new negotiated rulemaking to begin in 2009 to ensure that housing authorities are funded according to an accurate funding formula and allows the public housing authorities the flexibility to move small amounts of funding from capital to operating funds.

Also, this legislation exempts small public housing authorities from asset management, as they generally will see no economic or efficiency improvements from its implementation and ensure that the PHAs involve tenants in every decision.

Mr. Chairman, this bill makes real practical changes that will truly benefit our public housing agencies as they implement asset management. I urge my colleagues to support its passage, and I commend the sponsors of this legislation.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the tone of the discussion this afternoon very, very much. I just want to point out and really ask the House if you notice something, and at the beginning of my remarks, I put out, essentially as a challenge, this concern that I have of this language: the secretary shall not impose any restriction or limitation on the amount of management and related fees. Nothing: no restrictions, no authority, completely stripped so that there is nobody that has the ability that can come in and say this invoice for management, this amount of money for management, are you kidding me? That's outrageous. Nobody has the authority to do that. They do now, they do currently have that ability, but under this bill, Mr. Chairman, that authority goes away.

Now, the gentleman from New Jersey, the previous speaker, mentioned the fungibility argument. I accept that as an argument. I just don't think it is a good idea. I don't think that something that's in an appropriations bill,

just because it's a bad idea, that it needs the House's imprimatur once again. That's going to expire at the end of the year, and I think we can do better.

So just in summary, what we are being asked to do today is essentially to limit down the amount of public housing authorities that would be under asset management to only 12 percent of the public housing authorities in the United States. Only 12 percent of them would be subject to asset management if this bill is enacted.

So I think those are sufficient numbers to say, you know what, I think we can do better. Those are sufficient reasons, sufficient arguments that would suggest that we can do better. This should go back to the drawing board. And I urge a "no" vote.

With that, I yield back the balance of my time.

Mr. SIREs. Mr. Chairman, just in closing I would like to say that there is oversight, and the 20 percent that we are talking about is just increasing 10 percent because already they have the ability to move 10 percent. With all of the costs, all of the increases and the underfunding of these housing authorities, I think this is reasonable.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Housing Asset Management Improvement Act of 2007".

SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.

(a) **MANAGEMENT AND RELATED FEES.**—*The Secretary shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—*

(1) *is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and*

(2) *is effective only on or after January 1, 2011.*

(b) **INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.**—*Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary.*

SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.

The Secretary of Housing and Urban Development shall not impose any requirement, regula-

tion, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.

SEC. 4. TENANT PARTICIPATION.

(a) **RULE OF CONSTRUCTION.**—*Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.*

(b) **GUIDANCE.**—*Guidance issued by the Secretary of Housing and Urban Development shall encourage participation by residents in the implementation of asset management and the development of local policies for such purposes.*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-524. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SIREs

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-524.

Mr. SIREs. Mr. Chairman, as the designee of Mr. FRANK of Massachusetts, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SIREs:

Page 2, after line 17, insert the following: The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

At the end of the bill add the following new section:

SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

The CHAIRMAN. Pursuant to House Resolution 974, the gentleman from New Jersey (Mr. SIREs) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1415

Mr. SIRES. This manager's amendment covers two different aspects of the bill. The first part addresses compliance with section 2 of the bill. Section 2 grants agencies that lost funding because of asset management to walk out of the funding agreement. The bill allows them to set their own reasonable management fee until a new negotiated rulemaking takes place. However, the Department recently announced that any agency compliant with this provision of the bill will be deemed as noncompliant with the Asset Management Final Rule. The manager's amendment makes it clear that these agencies are compliant.

The second part of the manager's amendment restates current law that undocumented immigrants are ineligible for financial assistance under section 214 of the Housing and Community Development Act of 1980. These changes are technical and should be adopted.

Chairman FRANK and I urge a "yes" vote on these amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I rise today in support of H.R. 3521, the Public Housing Asset Management Improvement Act. This legislation works to provide flexibility to public housing agencies as they make the transition to the new asset management system.

As we are working to enact this legislation, I am pleased that we incorporated provisions to ease the potential burdens for many smaller public housing authorities, including many in my Congressional district. I am also pleased to see that the Manager's Amendment we are considering includes language that reaffirms current Federal law and ensures that illegal immigrants do not receive public housing benefits that should only go to those who rightfully deserve them.

Mr. Chairman, in closing, I would like to express my appreciation to Mr. SIRES of New Jersey for introducing this legislation and to Chairman FRANK for working to include language in the Manager's Amendment pertaining to illegal immigration. I urge my colleagues to vote in favor of H.R. 3521, the Public Housing Asset Management Improvement Act.

Mr. ROSKAM. Mr. Chairman, we have no opposition to the amendment, and I yield back the balance of my time.

Mr. SIRES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SIRES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SIRES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MEEK OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-524.

Mr. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MEEK of Florida:

Page 3, line 23, after the period insert the following: "In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or 964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency."

The CHAIRMAN. Pursuant to House Resolution 974, the gentleman from Florida (Mr. MEEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MEEK of Florida. Members, I think that this amendment is well in order. First of all, I want to thank the chairman of the committee, Mr. FRANK, and also Mr. SIRES, who has been a leader in this, my friend from New Jersey, and also Chairwoman WATERS.

Mr. Chairman, this amendment simply, on page 3, line 23, gives those individuals who find themselves in the middle of a dispute between the Department of Housing and Urban Development and a local housing authority, when that particular local housing authority falls into receivership, all agreements that have been agreed upon as it relates to tenants and that housing authority should be honored when that takes place.

Case in point: In south Florida we were awarded a HOPE VI grant, and the housing authority failed the residents in being able to implement that grant, and then the residents and housing authority came together for the better good to make sure there weren't a number of homeless individuals, and those agreements ended up going south. And I think there are other communities that will be going through this in the very near future.

I am offering this amendment, and hopefully the Members will accept this amendment in good faith and it will help us move forward as we look at these situations in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Chairman, I reserve the balance of my time.

Mr. MEEK of Florida. Mr. Chairman, I would like to recognize the gen-

tleman from New Jersey (Mr. SIRES) for 1 minute.

Mr. SIRES. I would like to thank Mr. MEEK for offering this amendment.

This amendment clarifies that the Department cannot prevent public housing authorities in receivership from benefiting from this bill.

Chairman FRANK and I fully support this amendment, and we urge adoption.

Mr. MEEK of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield back the balance of my time.

Mr. MEEK of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MEEK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROSKAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-524 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SIRES of New Jersey.

Amendment No. 2 by Mr. MEEK of Florida.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. SIRES

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SIRES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 18, as follows:

[Roll No. 75]

AYES—415

Abercrombie	Bartlett (MD)	Blunt
Ackerman	Barton (TX)	Boehner
Aderholt	Bean	Bonner
Akin	Becerra	Bono Mack
Alexander	Berkley	Boozman
Altmire	Berman	Bordallo
Andrews	Berry	Boren
Arcuri	Biggert	Boswell
Baca	Bilbray	Boustany
Bachmann	Bilirakis	Boyd (FL)
Bachus	Bishop (GA)	Boyd (KS)
Baird	Bishop (NY)	Brady (PA)
Baldwin	Bishop (UT)	Brady (TX)
Barrett (SC)	Blackburn	Braley (IA)
Barrow	Blumenauer	Brown (GA)

Brown (SC)	Gingrey	McCollum (MN)	Scott (GA)	Stark	Walsh (NY)	Costello	Kaptur	Regula
Brown, Corrine	Gohmert	McCotter	Scott (VA)	Stearns	Walz (MN)	Courtney	Kennedy	Rehberg
Buchanan	Gonzalez	McCrery	Sensenbrenner	Stupak	Wamp	Cramer	Kildee	Reichert
Burgess	Goode	McDermott	Serrano	Sullivan	Wasserman	Crenshaw	Kilpatrick	Renzi
Burton (IN)	Goodlatte	McGovern	Sessions	Tancredo	Schultz	Kind	Reyes	Reyes
Butterfield	Gordon	McHenry	Sestak	Tanner	Waters	Cuellar	King (NY)	Richardson
Buyer	Granger	McHugh	Shadegg	Tauscher	Watson	Cummings	Klein (FL)	Rodriguez
Calvert	Green, Al	McIntyre	Shays	Taylor	Watt	Davis (AL)	Knollenberg	Rogers (AL)
Camp (MI)	Green, Gene	McKeon	Shea-Porter	Terry	Waxman	Davis (CA)	Kucinich	Rogers (KY)
Campbell (CA)	Grijalva	McMorris	Sherman	Thompson (CA)	Weiner	Davis (IL)	Kuhl (NY)	Rogers (MI)
Cannon	Hall (NY)	Rodgers	Shimkus	Thompson (MS)	Welch (VT)	Davis (KY)	LaHood	Ros-Lehtinen
Cantor	Hall (TX)	McNerney	Shuler	Thornberry	Weldon (FL)	Davis, Lincoln	Lampson	Ross
Capito	Hare	McNulty	Shuster	Tiahrt	Weller	Davis, Tom	Langevin	Rothman
Capps	Harman	Meek (FL)	Simpson	Tiberi	Westmoreland	DeFazio	Larsen (WA)	Roybal-Allard
Capuano	Hastings (FL)	Meeks (NY)	Sires	Tierney	Whitfield (KY)	DeGette	Larson (CT)	Ruppersberger
Cardoza	Hastings (WA)	Melancon	Skelton	Towns	Wilson (NM)	Delahunt	Latham	Rush
Carnahan	Hayes	Mica	Slaughter	Tsongas	Wilson (OH)	DeLauro	LaTourette	Ryan (WI)
Carney	Heller	Michaud	Smith (NE)	Turner	Wilson (SC)	Dent	Lee	Salazar
Carter	Hensarling	Miller (FL)	Smith (NJ)	Udall (CO)	Wittman (VA)	Diaz-Balart, L.	Levin	Sánchez, Linda
Castle	Herger	Miller (MI)	Smith (TX)	Udall (NM)	Wolf	Diaz-Balart, M.	Lewis (CA)	T.
Castor	Herseht Sandlin	Miller (NC)	Smith (WA)	Upton	Wu	Dicks	Linder	Sanchez, Loretta
Chabot	Higgins	Miller, Gary	Snyder	Van Hollen	Wynn	Dingell	Lipinski	Sarbanes
Chandler	Hill	Miller, George	Solis	Velázquez	Yarmuth	Doggett	LoBiondo	Saxton
Clarke	Hinchey	Mitchell	Souder	Visclosky	Young (AK)	Donnelly	Loebsock	Schakowsky
Clay	Hinojosa	Mollohan	Space	Walberg	Young (FL)	Doyle	Lofgren, Zoe	Schiff
Cleaver	Hirono	Moore (KS)	Spratt	Walden (OR)		Drake	Lowey	Schmidt
Clyburn	Hobson	Moore (WI)				Dreier	Lucas	Schwartz
Coble	Hodes	Moran (KS)				Edwards	Lynch	Scott (GA)
Cohen	Hoekstra	Moran (VA)	Allen	Gutierrez	Pryce (OH)	Ehlers	Mack	Scott (VA)
Cole (OK)	Holden	Murphy (CT)	Boucher	Hulshof	Reynolds	Ellison	Mahoney (FL)	Sensenbrenner
Conaway	Holt	Murphy, Patrick	Brown-Waite,	Jones (OH)	Ryan (OH)	Emanuel	Maloney (NY)	Serrano
Conyers	Honda	Murphy, Tim	Ginny	Keller	Sutton	Emerson	Markey	Sestak
Cooper	Hooley	Murtha	Christensen	Lungren, Daniel	Wexler	Engel	Marshall	Shays
Costa	Hoyer	Musgrave	Fortuño	E.	Woolsey	English (PA)	Matheson	Shea-Porter
Costello	Hunter	Myrick	Graves	Peterson (PA)		Eshoo	Matsui	Sherman
Courtney	Inglis (SC)	Nadler				Etheridge	McCarthy (NY)	Shuler
Cramer	Inslee	Napolitano				Everett	McCollum (MN)	Simpson
Crenshaw	Israel	Neal (MA)				Faleomavaega	McCotter	Sires
Crowley	Issa	Neugebauer				Fallin	McCrery	Skelton
Cubin	Jackson (IL)	Norton				Farr	McDermott	Slaughter
Cuellar	Jackson-Lee	Nunes				Fattah	McGovern	Smith (NJ)
Culberson	(TX)	Oberstar				Ferguson	McHugh	Smith (TX)
Cummings	Jefferson	Obey				Filner	McIntyre	Smith (WA)
Davis (AL)	Johnson (GA)	Olver				Forbes	McKeon	Snyder
Davis (CA)	Johnson (IL)	Ortiz				Fortenberry	McNerney	Solis
Davis (IL)	Johnson, E. B.	Pallone				Fossella	Meek (FL)	Souder
Davis (KY)	Johnson, Sam	Pascarell				Frank (MA)	Meeks (NY)	Space
Davis, David	Jones (NC)	Pastor				Frelinghuysen	Melancon	Spratt
Davis, Lincoln	Jordan	Paul				Gallegly	Michaud	Stark
Davis, Tom	Kagen	Payne				Gerlach	Miller (MI)	Stupak
Deal (GA)	Kanjorski	Pearce				Giffords	Miller (NC)	Tanner
DeFazio	Kaptur	Pence				Gilchrest	Miller, George	Tauscher
DeGette	Kennedy	Perlmutter				Gillibrand	Mitchell	Taylor
Delahunt	Kildee	Peterson (MN)				Gonzalez	Mollohan	Terry
DeLauro	Kilpatrick	Petri				Goodlatte	Moore (KS)	Thompson (CA)
Dent	Kind	Pickering				Gordon	Moore (WI)	Thompson (MS)
Diaz-Balart, L.	King (IA)	Pitts				Green, Al	Moran (KS)	Tiberi
Diaz-Balart, M.	King (NY)	Platts				Green, Gene	Moran (VA)	Tierney
Dicks	Kingston	Poe				Grijalva	Murphy (CT)	Towns
Dingell	Kirk	Pomeroy				Hall (NY)	Murphy, Patrick	Tsongas
Doggett	Klein (FL)	Porter				Hare	Murphy, Tim	Turner
Donnelly	Kline (MN)	Price (GA)				Harman	Murtha	Udall (CO)
Doolittle	Knollenberg	Price (NC)				Hastings (FL)	Musgrave	Udall (NM)
Doyle	Kucinich	Putnam				Hastings (WA)	Nadler	Upton
Drake	Kuhl (NY)	Radanovich				Hayes	Napolitano	Van Hollen
Dreier	LaHood	Rahall				Herseht Sandlin	Neal (MA)	Velázquez
Duncan	Lamborn	Ramstad				Higgins	Norton	Visclosky
Edwards	Lampson	Rangel				Hill	Nunes	Walberg
Ehlers	Langevin	Regula				Hinchey	Oberstar	Walden (OR)
Ellison	Larsen (WA)	Rehberg				Hinojosa	Obey	Walsh (NY)
Ellsworth	Larson (CT)	Reichert				Hirono	Olver	Walz (MN)
Emanuel	Latham	Renzi				Hobson	Ortiz	Wasserman
Emerson	LaTourette	Reyes				Hoekstra	Pallone	Schultz
Engel	Latta	Richardson				Holden	Pascarell	Waters
English (PA)	Lee	Rodriguez				Holt	Pastor	Watson
Eshoo	Levin	Rogers (AL)				Honda	Paul	Watt
Etheridge	Lewis (CA)	Rogers (KY)				Hooley	Payne	Waxman
Everett	Lewis (GA)	Rogers (MI)				Hoyer	Pearce	Weiner
Faleomavaega	Lewis (KY)	Rohrabacher				Hunter	Perlmutter	Welch (VT)
Fallin	Linder	Ros-Lehtinen				Inslee	Peterson (MN)	Weller
Farr	Lipinski	Roskam				Issa	Petri	Whitfield (KY)
Fattah	LoBiondo	Ross				Jackson (IL)	Pickering	Whitson (NM)
Feeney	Loebsock	Rothman				Jackson-Lee	Pitts	Wilson (OH)
Ferguson	Lofgren, Zoe	Roybal-Allard				(TX)	Platts	Wittman (VA)
Filner	Lowey	Royce				Jefferson	Pomeroy	Wolf
Flake	Lucas	Ruppersberger				Johnson (GA)	Porter	Wu
Forbes	Lynch	Rush				Johnson, E. B.	Price (NC)	Wynn
Fortenberry	Mack	Ryan (WI)				Jones (NC)	Putnam	Yarmuth
Fossella	Mahoney (FL)	Salazar				Kagen	Rahall	Young (AK)
Fox	Maloney (NY)	Sali				Kanjorski	Ramstad	Young (FL)
Frank (MA)	Manzullo	Sánchez, Linda					Rangel	
Franks (AZ)	Marchant	T.						
Frelinghuysen	Markey	Sanchez, Loretta						
Gallegly	Marshall	Sarbanes						
Garrett (NJ)	Matheson	Saxton						
Gerlach	Matsui	Schakowsky						
Giffords	McCarthy (CA)	Schiff						
Gilchrest	McCarthy (NY)	Schmidt						
Gillibrand	McCaul (TX)	Schwartz						

NOT VOTING—18

□ 1446

Messrs. CALVERT, PEARCE, and GINGREY changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. MEEK OF FLORIDA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MEEK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 337, noes 77, not voting 19, as follows:

[Roll No. 76]

AYES—337

Abercrombie	Bishop (NY)	Cannon
Ackerman	Bishop (UT)	Cantor
Aderholt	Blumenauer	Capito
Alexander	Boehner	Capps
Altmire	Bonner	Capuano
Andrews	Bono Mack	Cardoza
Arcuri	Boozman	Carnahan
Baca	Bordallo	Carney
Bachus	Boren	Castle
Baird	Boswell	Castor
Baldwin	Boustany	Chabot
Barrow	Boyd (FL)	Chandler
Bartlett (MD)	Boyd (KS)	Clarke
Barton (TX)	Brady (PA)	Clay
Bean	Braley (IA)	Cleaver
Becerra	Brown (SC)	Clyburn
Berkley	Brown, Corrine	Coble
Berman	Buchanan	Cohen
Berry	Burton (IN)	Cole (OK)
Biggert	Butterfield	Conyers
Blibray	Calvert	Cooper
Bishop (GA)	Camp (MI)	Costa

NOES—77

Akin	Blunt	Campbell (CA)
Bachmann	Brady (TX)	Carter
Barrett (SC)	Brown (GA)	Conaway
Bilirakis	Burgess	Cubin
Blackburn	Buyer	Culberson

Davis, David
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Fox
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hall (TX)
Heller
Hensarling
Herger
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan

King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Lewis (KY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Pence
Peterson (PA)

Poe
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Sali
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—19

Allen
Boucher
Brown-Waite,
Ginny
Christensen
Fortuño
Graves
Gutierrez

Hodes
Hulshof
Jones (OH)
Keller
Lewis (GA)
Lungren, Daniel
E.
Pryce (OH)

Reynolds
Ryan (OH)
Sutton
Wexler
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

□ 1454

Mrs. McMORRIS RODGERS and Mr. PENCE changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SERRANO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, pursuant to House Resolution 974, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

Mr. SIRES. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SMITH of Texas moves to recommit the bill, H.R. 3521, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. SIRES. Madam Speaker, I make a point of order that the amendment is not germane to the bill. The bill H.R. 3773 has nothing to do with the asset management bill under consideration.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. SMITH of Texas. Yes, I do, Madam Speaker.

Madam Speaker, once again, the Democratic majority is insisting on a procedural objection to block consideration of the Senate-passed FISA modernization bill. This motion to recommit adds the bipartisan bill passed 2 weeks ago by the Senate, 68–29.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman must confine his remarks to the gentleman from New Jersey's point of order.

Mr. SMITH of Texas. Madam Speaker, there is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible.

Now I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit.

Mr. SIRES. Madam Speaker, the gentleman is not speaking on the point of order.

The SPEAKER pro tempore. The gentleman from Texas must confine his remarks to the point of order.

Mr. SMITH of Texas. Madam Speaker, I would like to ask the gentleman to withdraw his point of order and allow for an up-or-down vote on the bipartisan Senate reform bill.

Mr. SIRES. Madam Speaker, I insist on my point of order.

The SPEAKER pro tempore. The instructions in the motion to recommit propose an amendment consisting of the text of an entirely different measure that falls outside the jurisdiction of the Committee on Financial Services. The instructions are therefore not germane. The point of order is sustained. The motion is not in order.

Mr. SMITH of Texas. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SIRES

Mr. SIRES. Madam Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SIRES. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 195, not voting 15, as follows:

[Roll No. 77]

AYES—218

Abercrombie	Grijalva	Neal (MA)
Ackerman	Hall (NY)	Oberstar
Altmire	Hare	Obey
Andrews	Harman	Olver
Arcuri	Hastings (FL)	Ortiz
Baca	Herseth Sandlin	Pallone
Baird	Higgins	Pascarell
Baldwin	Hill	Pastor
Barrow	Hinchey	Payne
Bean	Hinojosa	Perlmutter
Becerra	Hirono	Pomeroy
Berkley	Hodes	Price (NC)
Berman	Holden	Rahall
Berry	Holt	Rangel
Bishop (GA)	Honda	Reyes
Bishop (NY)	Hooley	Richardson
Blumenauer	Hoyer	Rodriguez
Boren	Inslee	Ross
Boswell	Israel	Rothman
Boucher	Jackson (IL)	Roybal-Allard
Boyd (FL)	Jackson-Lee	Ruppersberger
Boyd (KS)	(TX)	Rush
Brady (PA)	Jefferson	Salazar
Braley (IA)	Johnson (GA)	Sánchez, Linda
Brown, Corrine	Johnson, E. B.	T.
Butterfield	Kagen	Sanchez, Loretta
Capps	Kanjorski	Sarbanes
Capuano	Kaptur	Schakowsky
Cardoza	Kennedy	Schiff
Carnahan	Kildee	Schwartz
Castor	Kilpatrick	Scott (GA)
Chandler	Kind	Scott (VA)
Clarke	Klein (FL)	Serrano
Clay	Kucinich	Sestak
Cleaver	Langevin	Shea-Porter
Clyburn	Larsen (WA)	Sherman
Cohen	Larson (CT)	Shuler
Conyers	Lee	Sires
Cooper	Levin	Skelton
Costa	Lewis (GA)	Slaughter
Costello	Lipinski	Smith (WA)
Courtney	Loeb sack	Snyder
Cramer	Lofgren, Zoe	Solis
Crowley	Lowey	Space
Cuellar	Lynch	Spratt
Cummings	Mahoney (FL)	Stark
Davis (AL)	Maloney (NY)	Stupak
Davis (CA)	Markey	Tanner
Davis (IL)	Marshall	Tauscher
Davis, Lincoln	Matheson	Taylor
DeFazio	Matsui	Thompson (CA)
DeGette	McCarthy (NY)	Thompson (MS)
Delahunt	McCollum (MN)	Tierney
DeLauro	McDermott	Towns
Dicks	McGovern	Tsongas
Dingell	McIntyre	Udall (CO)
Doggett	McNerney	Udall (NM)
Donnelly	McNulty	Van Hollen
Doyle	Meek (FL)	Velázquez
Edwards	Meeks (NY)	Visclosky
Ellison	Melancon	Walz (MN)
Ellsworth	Michaud	Wasserman
Emanuel	Miller (NC)	Schultz
Engel	Miller, George	Waters
Eshoo	Mitchell	Watson
Etheridge	Mollohan	Watt
Farr	Moore (KS)	Waxman
Fattah	Moore (WI)	Weiner
Filner	Moran (VA)	Welch (VT)
Gillibrand	Murphy (CT)	Wilson (OH)
Gonzalez	Murphy, Patrick	Wu
Gordon	Murtha	Wynn
Green, Al	Nadler	Yarmuth
Green, Gene	Napolitano	

NOES—195

Aderholt	Frelinghuysen	Paul
Akin	Gallegly	Pearce
Alexander	Garrett (NJ)	Pence
Bachmann	Gerlach	Peterson (PA)
Bachus	Giffords	Petri
Barrett (SC)	Gilchrest	Pickering
Bartlett (MD)	Gingrey	Pitts
Barton (TX)	Gohmert	Platts
Biggert	Goode	Poe
Billbray	Goodlatte	Porter
Bilirakis	Granger	Price (GA)
Bishop (UT)	Hall (TX)	Putnam
Blackburn	Hastings (WA)	Radanovich
Blunt	Hayes	Ramstad
Boehner	Heller	Regula
Bonner	Hensarling	Rehberg
Bono Mack	Herger	Reichert
Boozman	Hobson	Renzi
Boustany	Hoekstra	Reynolds
Brady (TX)	Hunter	Rogers (AL)
Brown (GA)	Inglis (SC)	Rogers (KY)
Brown (SC)	Issa	Rogers (MI)
Buchanan	Johnson (IL)	Rohrabacher
Burgess	Johnson, Sam	Ros-Lehtinen
Burton (IN)	Jones (NC)	Roskam
Buyer	Jordan	Royce
Calvert	King (IA)	Ryan (WI)
Camp (MI)	King (NY)	Sali
Campbell (CA)	Kingston	Saxton
Cannon	Kirk	Schmidt
Cantor	Kline (MN)	Sensenbrenner
Capito	Knollenberg	Sessions
Carney	Kuhl (NY)	Shadegg
Carter	LaHood	Shays
Castle	Lamborn	Shimkus
Chabot	Lampson	Shuster
Coble	Latham	Simpson
Cole (OK)	LaTourette	Smith (NE)
Conaway	Latta	Smith (NJ)
Crenshaw	Lewis (CA)	Smith (TX)
Cubin	Lewis (KY)	Souder
Culberson	Linder	Stearns
Davis (KY)	LoBiondo	Sullivan
Davis, David	Lucas	Tancredo
Davis, Tom	Mack	Terry
Deal (GA)	Manzullo	Thornberry
Dent	Marchant	Tiahrt
Diaz-Balart, L.	McCarthy (CA)	Tiberi
Diaz-Balart, M.	McCaul (TX)	Turner
Doolittle	McCotter	Upton
Drake	McCrery	Walberg
Dreier	McHenry	Walden (OR)
Duncan	McHugh	Walsh (NY)
Ehlers	McKeon	Wamp
Emerson	McMorris	Weldon (FL)
English (PA)	Rodgers	Weller
Everett	Mica	Westmoreland
Fallin	Miller (FL)	Whitfield (KY)
Feeney	Miller (MI)	Wilson (NM)
Ferguson	Miller, Gary	Wilson (SC)
Flake	Moran (KS)	Wittman (VA)
Forbes	Murphy, Tim	Wolf
Fortenberry	Musgrave	Young (AK)
Fossella	Myrick	Young (FL)
Fox	Neugebauer	
Franks (AZ)	Nunes	

NOT VOTING—15

Allen	Hulshof	Pryce (OH)
Brown-Waite,	Jones (OH)	Ryan (OH)
Ginny	Keller	Sutton
Frank (MA)	Lungren, Daniel	Wexler
Graves	E.	Woolsey
Gutierrez	Peterson (MN)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1520

Mr. SHADEGG, Mr. BOEHNER and Mr. LEWIS of California changed their vote from "aye" to "no."

Mr. ISRAEL and Mr. SMITH of Washington changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber yesterday and today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 69, 70, 71, 72, 73, 74, 75, 76, and 77.

MOTION TO RECOMMIT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill H.R. 3521 to the Committee on Financial Services with instructions to report the same back to the House promptly with the following instructions:

Page 2, after line 17, insert the following: The Secretary of Housing and Urban Development shall not accept as reasonable any fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration of or prohibits the possession of any firearm that is possessed by an individual for his or her personal protection or for sport the possession of which is not prohibited, or the registration of which is not required, by existing law.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, our Founding Fathers wrote our Nation's fundamental values of freedom and representative government into our Constitution. This includes the people's second amendment right to keep and bear arms.

Citizens who are in compliance with the law should not have those rights taken away, including those who live in public housing. Yet, public housing authorities, including the one right here in our Nation's Capital, are telling residents that in order to be a resident of public housing, you must give up your second amendment rights. You must give up your right to own a firearm for sport or for hunting or, most importantly, to protect yourself or your family.

Let me quote from the January 2008 dwelling lease agreement for D.C.: "Lessee and all Others are required to comply with the following use restrictions and requirements . . . To refrain from storing, maintaining, using, distributing, purchasing or selling any type of firearms or ammunition on the Leased Premises or the Development, whether registered or unregistered."

In other words, Madam Speaker, even if you comply with all the laws of the District of Columbia related to gun ownership, you are prohibited from owning a gun if you are a resident of public housing.

We are talking about law-abiding citizens, not criminals. Criminals are already largely prohibited from residing in public housing. Residents of pub-

lic housing share the same legal rights to possess lawful property and to take measures to defend their lives as do homeowners who control their estate.

The D.C. policy clearly discriminates against the poorest members of our society simply because they are residents of public housing.

Less than 2 weeks ago, 250 Members of this House of Representatives, including 65 Members of the majority, who said there shouldn't be any gun ban here in the District of Columbia signed a bipartisan amicus curiae brief in District of Columbia v. Heller, which said it is a case that currently is before the United States Supreme Court which questions the constitutionality of the D.C. gun ban. The amicus brief supports the ruling by a lower Federal appeals court which upheld the constitutional right of individual citizens to keep and bear arms.

Just to refresh my colleagues one more time, one notable line from the brief states, and I quote, "Had Americans in 1787 been told that the Federal Government could ban the frontiersman in his log cabin, or the city merchant living above his store, from keeping firearms to provide for and protect himself and his family, it is hard to imagine that the Constitution would have been ratified."

The D.C. public housing restriction goes even further than the D.C. gun ban in question in this case.

Madam Speaker, we must assure that Americans living in public housing have their personal right to possess firearms for hunting or self-defense.

This motion to recommit is simple. It clarifies that public housing authorities that participate in the asset management program cannot prohibit their law-abiding tenants from possessing firearms and ammunition.

Madam Speaker, I ask my colleagues to join me in supporting this motion, and I yield back the balance of my time.

Ms. WATERS. Madam Speaker, I rise to oppose the motion.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, I rise almost in disbelief that my friends on the opposite side of the aisle, led by Mrs. BACHMANN, would dare bring to this floor a motion that basically would say to us that the Federal Government cannot direct this issue on Federal property.

We own these public housing authorities. The people who are here live under the rules that we develop for living in public housing. We are confronted with the problem in America, and that problem is, unfortunately, and painfully, we have poor people who are isolated, and they find their power and their strength in the gun.

There are far too many guns raging every night in America in public housing authorities, whether it is Los Angeles or New York or down south.

What you find are young jobless men in gangs who shoot throughout the

night where people are ducking under their beds, afraid to open their doors. Many of these public housing authorities are on main thoroughfares, next to shopping centers, on your way to the airport.

These bullets don't limit themselves to inside these public housing authorities. They could end up shooting people who are passing through the area.

I understand, perhaps, the argument that one would make about constitutional rights. While I disagree with that, I think it is foolhardy and foolish to talk about we don't have the authority to determine what happens on our property.

There are those in this room who would shout down public housing authorities and not give people a place to live at all, because they said there is too much violence, there is too much joblessness, there is too much violence. There are those of us who have worked for years not only to clean up these public housing authorities but to make sure that the people who live there are abiding by the law.

I am in disbelief that anyone could believe it's all right to continue what is happening in America today in many of these public housing authorities where young people are dying. Of course we don't like it. Of course we are appalled at it. We are pained with it. But give me a break. All of us are much more responsible than this motion to recommit would have us believe.

I would yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentlelady for yielding.

Would the gentlelady, the sponsor of the motion to recommit, yield for a question?

Mrs. BACHMANN. Yes.

Mr. HOYER. I thank the gentlelady.

Would the gentlelady agree to make your amendment a forthwith amendment so that it could be voted upon? My presumption is the gentlelady wants the amendment adopted, the gentlelady believes the majority of the House is for it. Would the gentlelady agree to such a unanimous consent?

Mrs. BACHMANN. Madam Speaker, I appreciate the request from the majority leader; however, the answer would be no.

We are aware of this problem, and it's very important that we send this back to the committee so that it will be fixed.

Mr. HOYER. Reclaiming my time, so it's more important to delay it than to adopt it now?

Mrs. BACHMANN. Madam Speaker and Majority Leader, as you know, the important point is that the committee has a chance to look at this measure. They did not have a chance to do so. We want to make sure that they have the opportunity to fix the bill.

□ 1530

Mr. HOYER. Madam Speaker, I ask unanimous consent that the motion to

recommit be amended by substituting the term "promptly" with the term "forthwith."

The SPEAKER pro tempore. The Chair will recognize only the proponent of the motion for such a request.

Ms. WATERS. Madam Speaker and Members, our majority leader just put before us a motion that I think we should all support. It is unreasonable for us to think that somehow we are going to not give this House the opportunity to provide leadership on crime.

There are Members on the opposite side of the aisle who would identify themselves as being law and order people, of wanting to get rid of guns and crime. Well, this is an opportunity to show where you stand. Do you stand with us to keep Americans safe? Do you stand with us to make the rules on Federal property, or are you going to vote us down?

The SPEAKER pro tempore. The gentleman's time has expired.

Pursuant to section 2 of House Resolution 974, further proceedings on H.R. 3521 are postponed.

HONORING ANTHONY "TONY" EUBANKS

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, Anthony "Tony" Eubanks, professional basketball player, collegiate basketball record holder and two-time All American, during Black History Month, I would like to recognize his efforts as a mentor to our Christian youth in South Carolina.

Through his professional basketball career, Tony was able to travel to the Middle East, Europe, and Argentina. This travel led him to work with youth as a volunteer for Young Life, FCA, and other ministries.

Currently, he now serves as the chaplain of the Clemson Tigers football team and volunteers with FCA on the Clemson campus.

South Carolina is proud to have this citizen who is so truly dedicated to strengthening youth faith. Each day, he contributes to pregame chapels, coaches' Bible study and graduate assistants' Bible studies, and other ministries that continue to make a difference in the lives of athletes, coaches, and the community.

Tony is not only a leader for our youth, but also a strong role model for athletes. He is a true athlete for Christian Ministries.

PASS PROTECT AMERICA ACT NOW

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the men and women in our intelligence agencies are facing uncertainty. They are telling us this, and that is posing a

very real national security risk to us in our homeland.

Today I rise to encourage this House to close the terrorist loophole for good by passing a bill that would permanently update the Foreign Intelligence Surveillance Act.

The Senate passed this bipartisan bill with 68 votes. The House leadership will not bring it to the floor. They had another opportunity today, and they passed on that opportunity.

Mr. Speaker, time has run out. The Protect America Act has expired. The Democratic leadership of the House has had more than 6 months to tackle this problem. They continue to delay. Let's not delay another day. Let's bring our intelligence capabilities into the 21st century. Let's pass the Protect America Act now.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REINVESTING TAXPAYER SUBSIDIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, this week the House will vote to reinvest taxpayer subsidies from the most profitable oil companies in the world to the American people in the form of lower gas prices, lower home heating oil costs, and new jobs in clean, renewable technologies.

For 6 years under Republican management, we attempted a strategy to reduce our dependence on foreign oil and to lower gas prices. The strategy was to provide \$14 billion in industry subsidies to the largest oil companies in the world, the most profitable oil companies in the world. So \$14 billion to them, and at the same time the Bush administration submitted budgets to this Congress that actually reduced funding for renewable energies, for energy efficiency, for weatherization, for solar, for hydrogen, for other renewable technologies.

And so what was the result? The result was this: Gas prices doubled; home heating oil prices tripled; oil company profits quadrupled, but the average American was now faced with an additional \$1,500 in gas prices. And at the same time as oil company profits went up and as pocketbooks got lower and lower, the wallets of the American people lost more and more value, we actually increased our dependence on foreign oil. This year we are actually importing 1.6 million barrels of oil a day more than we were before the energy policy that the prior Congress passed and that the President signed.

□ 1545

So we're actually more dependent on foreign oil, and the American people are less well off. Oil companies did very, very well. But we did nothing to reduce our dependence on foreign oil, and the American people lost \$1,500 in the process.

Well, we're going to change that. We have the opportunity to change that this week. We're going to pass, I hope on a bipartisan basis, a new approach, a new strategy, a fundamental change in energy policy. And we're going to redirect those subsidies from oil companies to the pocketbooks of the American people. We're going to create as many as 3 million jobs in renewable technologies. We're going to invest those subsidies in the creation of new green jobs in solar and hydrogen and wind and geothermal. We're going to create those new jobs and regain our manufacturing capacity and capabilities.

Mr. Speaker, it troubles me that here we are, the country that defeated the most monumental threat of the 20th century in Nazi Germany and Japan, and we're now behind Germany and Japan in solar technologies. Of the top 10 wind companies on Earth, only one is American. Iceland, Denmark, now making great strides in geothermal and wind. We're not. Seven out of every 10 cars in Brazil are fuel flexible. We're not.

We can regain our capacities. We can regain our skills, we can regain our competitive edge in the world. We can regain our manufacturing strength in the world by leapfrogging ahead of them in renewable technologies. To do that, we've got to make investments in the American people, not the bottom line profits of oil companies.

When we gave those oil companies the opportunity to make those investments in the American people, what did they do? They made those investments in the oil companies' CEOs. One cashed out with about \$60 million.

We believe that it's time to make those investments in the American people, in American jobs, in renewable energy. And by doing so, we can reduce our dependence on foreign oil.

We have created a paradigm, Mr. Speaker, where, with a \$9 trillion debt, we are borrowing money from China to fund our defense budgets to buy oil

from the Persian Gulf to fuel our military to protect us from China and the Persian Gulf. It makes no sense.

This week, we have the opportunity to take a giant leap for common sense: reinvest in the American people, reinvest in American jobs, reinvest in our defense, reinvest in our competitive edge, reinvest in our human capital, reduce our dependence on foreign oil. And that's precisely what we will do by passing this bill.

VICTIMS OF CRIME ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I want to talk about one of the novel concepts that Congress has come up with over the years. It goes back to the Reagan administration and a bipartisan bill signed by President Reagan, the VOCA Act was established. It is called the Victims of Crime Act. It's a novel idea in that convicted felons in Federal court who are assessed fees and fines must pay those fees and fines into a fund. That fund then is saved and reserved for victims of crime for restitution. It also establishes and takes care of domestic violence shelters where spouses can hide away from those abusers. It establishes rape crisis coalition centers. It promotes and sends money to the victim advocates throughout the United States who go to court with victims of crime, especially in violent crime. It does many good things. And over the years, because our Federal judges have continued to fine and assess greater penalties to criminals, that VOCA fund, as of today, is \$1.7 billion, money contributed by criminals that goes to crime victims. What a wonderful idea. And let me make it clear, this is not taxpayer money. Taxpayers didn't fund this. Criminals did. Criminals paying the rent on the courthouse, paying for the system that they have created.

So what is the problem? The problem is, Mr. Speaker, that that fund, every year, that's administered by the Federal Government continues to be robbed by other bureaucrats and continues to be less money that's available for crime victims. This year we have \$1.7 billion in the fund. Last year \$635 million of that was used for crime victims, but this year the fund is being cut by the bureaucrats to \$590 million. That's not a lot of money, but it means that victims shelters throughout the country will be closed, that these rape crisis coalition centers will be closed because they're barely keeping the lights on.

So why is that happening, Mr. Speaker? I do not know.

I do know that the Justice Department now is going to charge a surcharge on the victims fund of 5.5 percent to administer the fund. They are doing so without the approval of Congress. They have no right to take \$30

million to pay for their own bureaucracy. That's not authorized by Congress.

We also know that the administration wants to take part of that money and apply it to other programs out there.

Once again, this is not taxpayer money. It's money that belongs to victims. And the Federal Government and, specifically, the Justice Department and the Federal bureaucrats need to keep their hands off that money, because it's not their money. It belongs to victims of crime.

Mr. Speaker, victims of crime do not have a lobbyist up here in Washington, DC, a high-dollar lobbyist advocating on their behalf. They expect us, Members of Congress, to be their lobbyist, and it's important that we do not let the bureaucrats, the robber barons take money out of that VOCA fund and apply it to other programs.

Find that money somewhere else. This money belongs to crime victims. It should not be robbed by the bureaucrats. It should be left alone. And, if anything, we ought to raise how much money we take out of that fund for victims of crime.

It's \$1.7 billion this year. Next year it's going to be \$1.9 billion criminals contribute to that fund. And yet our government continues to let less and less money be applied to victims. We have more crime victims in this country than we did last year, and we need victims assistance.

The Victims of Crime Act is a good idea. Let's leave it alone and quit robbing it to pay for other Federal programs. And if the Federal Government needs money to pay for these other programs, take money out of foreign aid or something. But leave victims alone.

Victims are a unique breed of people in our country, Mr. Speaker, and it's our responsibility to take care of them and make sure that they get the compensation they need, paid for by criminals who commit crimes against them.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION HAS FAILED DISPLACED GULF COAST RESIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker and Members, I rise today to share with this body the unbelievable circumstances surrounding the victims of Hurricanes Rita and Katrina.

I thought the American people had been shocked at the lack of response by our Government to the victims of these hurricanes. I thought the American people could hardly ever get over the fact that they witnessed victims of a natural disaster held up in a convention center in New Orleans for days without food, without water, begging for help.

It was unbelievable when we discovered that the head of FEMA, Mr. Brown at the time, said that he did not know that those victims were out in front of the convention center waving white flags, inside the convention center sick and even dying.

It was unbelievable to witness one of the richest, if not the richest country in the world with the lack of adequate response to its citizens at a time when we were needed most.

And so we're trying to work through this. We have been working to try and get money to the gulf coast, to New Orleans, to Mississippi. We have tried to work to save public housing so that residents could return who had been evacuated and told that the housing would be rehabilitated and they could return.

Many of us have been pushing not only on FEMA and our government, but working with the State and local government trying to correct the injustices that we have now come to know that have taken place in the gulf coast.

And now we're confronted with another unbelievable situation. How much bungling can you do? How much mismanagement can you be responsible for?

Finally, we find there's more. The Federal Emergency Management Administration, that is, FEMA, has admitted what people living in trailers have known for several years: that these trailers contain high levels of formaldehyde that pose serious health risks for residents. Almost after moving in, trailer residents started to complain about respiratory and other formaldehyde-related health problems.

The first private study on the unacceptable levels of formaldehyde in these trailers was in 2006. A few months later, the Occupational Health and Safety Administration conducted its own testing and found formaldehyde concentration as high as 5 parts per million, or 50 times higher than the level the Environmental Protection Agency considers elevated. But FEMA didn't stop the sale or deployment of trailers until July of 2007. And here it is 2008, and it still has no plan to move families out of these environmental health hazards and into safe, permanent, and affordable housing.

Mr. Speaker and Members, we've got to force FEMA to rise to the challenge of getting these 38,000 families out of these toxic trailers as soon as possible and move them into safe, permanent, and affordable housing. Unfortunately, because affordable housing creation has not been a priority of this Bush administration, I know this is going to be a difficult task.

The Bush administration has failed to ensure that the gulf coast region has an adequate supply of affordable housing for its displaced persons, including those in trailers. The administration approved redevelopment plans in Mississippi and Louisiana that provide less affordable housing than was available before Hurricane Katrina. It even allowed, believe this, the State of Mississippi to move \$600 million away from housing assistance to the redevelopment of the Port of Gulfport.

Now, mind you, there are still people who are out of State who want to come home. There are still people living in trailers. There are still people doubled up with family members. And this administration, this Housing Secretary said to the State of Mississippi, go ahead and take \$600 million from housing assistance and you can go ahead and use it for the redevelopment of the port.

In New Orleans, the administration has approved the demolition of 4,500 units of public housing, with no regard to the fact that there are 12,000 homeless persons who could have benefited from having a roof over their heads. The demolition of New Orleans' public housing during an affordable housing crisis is a prime example of this administration's shortsightedness and lack of concern for our country's lowest income renters.

Mr. Speaker and Members, I simply close by saying, here we are, FEMA again, mismanagement, lives at stake. They have no answers.

□ 1600

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with yet another sunset memorial. It is February 26, 2008, in the land of the free, home of the brave; and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That is more than the number of innocent Americans that we lost on September 11, only it happens every day.

It has now been exactly 12,818 days since the travesty called *Roe v. Wade* was handed down; and since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them cried and screamed as they died; but because it was amniotic fluid passing over the vocal cords instead of air, we could not hear them in this Chamber.

All of them had at least four things in common: first, they were each just little babies who had done nothing wrong to anyone. Second, each one of them died a nameless and lonely death and each of their mothers, whether she realizes it or not, will never be quite

the same. And all of the gifts these children might have brought to humanity are now lost to us forever.

Yet even in the full glare of such tragedy, this generation clings to blind, invincible ignorance while history repeats itself in our own silent genocide which mercilessly annihilates the most helpless victims to date, those yet unborn.

Mr. Speaker, perhaps it's important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said: "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment encapsulates our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet, Mr. Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Perhaps today, Mr. Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,818 days spent killing nearly 50 million unborn children is enough and that America, the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous enough, compassionate enough to find a better way than abortion on demand.

So tonight may we each remind ourselves that our own days in this Chamber and in this sunshine of life are numbered and that all too soon each one of us will walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn, may that be the day when we finally find the humanity, the courage and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 26, 2008, Mr. Speaker, 12,818 days since *Roe v. Wade* first stained the foundation of this Nation with the blood of its own children, and this is in the land of the free and the home of the brave.

The SPEAKER pro tempore (Ms. SCHAKOWSKY). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Madam Speaker, we are looking forward to spending some time on the floor over the next several months and several weeks and spending some time talking with our colleagues and talking with the American people about the budget.

Everybody hears a lot about the budget and about this budget document that is several hundred pages thick, that it is what directs the spending, and I think that most Americans know that the House of Representatives is basically the keeper of the purse, if you will, for the American public.

Now, some of my colleagues from the Republican Study Committee and I want to make certain that we all understand how this money is spent because we fully believe that the American people have the right to know, they have the right to know and they should know, how their budget gets spent, how those tax dollars get spent because we know, Madam Speaker, this is not the Government's money; it is the taxpayers' money. And we want to shine the light on how those dollars are being spent. We want to break down this process. We want to demystify the process and invite the American people to join us and follow us.

We believe Government spends too much money. We believe that Government never gets enough of your money. They never get enough of the taxpayers' dollars and, indeed, one of my favorite analogies is from one of my favorite plays, "Little Shop of Horrors," and I think we have many Americans who fully believe that the U.S. House of Representatives, the Congress, that the Federal Government, that this big

enormous bureaucracy that liberals have built as a monument to themselves, the bureaucracy never gets enough of the taxpayers' money. It's like Audrey II in "Little Shop of Horrors," never can get enough to eat. And what that bureaucracy wants to just chomp away on every day is your money. It is the taxpayers' money.

So we want to make certain that we spend some time going through this budget process spelling out where those dollars get spent, how the dollars get spent, actually, basically, holding a classroom for our colleagues, spending some time talking about the budget document; talking about the consequences that come with baseline budgeting; talking about what would happen if we went to zero-based budgeting; talking about performance-based budgeting; dissecting the appropriations bills; highlighting the risk of growing entitlements; and also addressing the waste that we find in earmarks.

So today as our first session, we thought it would be a good idea to review how Washington spent the taxpayers' money last year.

We have it broken down by household, and we always find that when we speak in terms of billions and trillions in Washington-speak, that we are talking about numbers that are really big. So we went in here and said how much is it per household that was spent in 2007 in the name of Government. What did we appropriate and spend of your money? Came out to be \$24,106 per household. That's the highest total since World War II.

The Federal Government collected about \$21,992 per household in taxes. So what did that give us? If you are spending \$24,106 per household and then you are taking in \$21,992 per household, Madam Speaker, think about that. That is each household's share of taxes: \$21,992.

But it wasn't enough. That wasn't enough. Audrey II wanted a little bit more. The bureaucracy wanted more. The bureaucracy couldn't curb their spending. So they spent that \$24,106. So that leaves the taxpayer and future generations a deficit each year that becomes a debt. And the deficit last year came out to \$2,114 per household.

All of that is going to land in the laps of our children, and in my case, a grandchild that is going to arrive in May. Welcome. Because there's going to be a debt from the U.S. Government on that child's head when he arrives.

Madam Speaker, I want to yield at this time to the gentleman from California (Mr. CAMPBELL) who chairs our Republican Study Committee budget committee and is doing great work on this issue. He's going to take the lead on many of these issues; and at this time I yield to the gentleman from California.

Mr. CAMPBELL of California. Madam Speaker, I thank the gentlelady from Tennessee very much for yielding on this important issue of the budget.

Now you know in the next couple of weeks we will vote on a budget here, Madam Speaker, in this House. And that budget will undoubtedly have a deficit somewhere over \$400 billion. Let me say that again: we will vote on a budget in the next few weeks with a deficit of somewhere over \$400 billion.

Now as Mrs. BLACKBURN indicated, these are big numbers and they're hard to relate to. I understand that. Until I was elected to Congress, they were pretty hard for me to relate to, too. When 9/11 happened, we had a big deficit. The economy dropped off, as you recall. We spent a lot of money going after al Qaeda and so forth at that time. But since then, we've had three straight years of declining deficits. It has been coming down. And in fact, this last year it looked like finally perhaps a balanced budget was in sight.

But now this year, this year for the first time in 4 years, the deficit's going to go up, and it is not just going to go up a little; it's almost certainly going to more than double, more than double this deficit. And that's just this year. But if we look at the future, it gets even worse. If we look here at what is going to happen, and if you just look at this, this shows what will happen to the deficit, to spending in this Government over time if we don't change where we are headed.

You see, the problem we have got is not that the American people are taxed too little. It's that this Congress spends too much. There were tax cuts back in 2003 and in 2001; but since 2003, the revenue of the Federal Government has risen almost 50 percent. Let me make sure people understand that. We reduced tax rates, but because economic activity was generated by that, revenue to the Federal Government actually went up, and it went up every year. But spending keeps going up faster than that, and that's what has got to stop.

And where is it going up? It's going up in just about every category. As we pile deficits on deficits, the interest we pay goes up. Defense spending is continuing to rise; other spending is continuing to rise. But we also have Medicare, Medicaid and Social Security, three things which currently take up over 50 percent of the taxes that everyone pays, Madam Speaker.

If we leave them alone, if we don't reform them, if we don't change them, you will have to literally double tax rates on every single American in order to have Social Security, Medicare and Medicaid and keep anything else like a military, like national parks, like anything else. Nearly double tax rates. That is unsustainable.

□ 1615

What are we doing in this budget to deal with that? Nothing. Not a single thing.

Now, this isn't just me saying this or just Republicans saying this. Every single analyst, liberal, conservative, right, left, Republican, Democrat

agrees that we're headed towards these numbers, that we are headed towards a situation that's unsustainable. Either Medicare goes away, Social Security goes away, Medicaid goes away, Defense Department, all military goes away, and pick two or three or four of those or we more than double taxes on the American people.

Now, we can wait. That's what we always seem to do, we just wait, let time go on a little bit, let the next generation deal with it, let the next Congress deal with it. But the longer we wait, the worse it gets.

And we're not making this hole any smaller right now. We're more than doubling the deficit. It will be proposed to more than double the deficit in what we're about to vote on in the next couple of weeks. So, we're actually making this chart much worse.

The problem is spending. You can't tax the American people enough to spend everything that all of this is, that all of this that we're headed for, that all everybody in this Congress seems to want to spend, so we've got to control the spending.

Now, I have a suggestion for that, Madam Speaker. Because if you look, since 1960, over the last, I think it's 48 years now, I believe this is right, it may be off by one, but since 1960, I believe we've had only 4 years in which there was a surplus, only 4 years in the last 48 in which the government did not spend more money than it took in. So, that shows you that deficits aren't new. And they're not assigned, frankly, to either party. There have been deficits under Republican Congresses, Democratic Congresses, Republican Presidents, Democratic Presidents, and every combination thereof. Deficits seem to be a fundamental problem with this institution.

Our Democratic colleagues came into power last year. And when they came in, they said these deficits are terrible, this debt we're putting on our children is terrible, we're going to solve these deficits. And what did they do? They set up a few rules which they've, within a year, decided they would waive and ignore, and now they're about to propose doubling last year's deficit. You see, the spending goes on.

And there are people out there now talking about socialized medicine. They're saying, gee, we have to cover everyone with some government plan on health insurance. Where is the money going to come from? Where is it going to come from? You can't pay now for Medicare and Medicaid. The people that are currently under government function programs, you don't have enough money to pay for them for the next 20 years, where are you going to get it to pay for everybody else?

Madam Speaker, that's why one of the suggestions that the lady from Tennessee and I have, and various other people, is that we're going to need a spending limit. You know, average Americans understand, Madam Speaker, that they should save for

their retirement. Well, you know, it's tough sometimes because there's things you would like to spend, things maybe you need to spend money on now, and it will eat up all the money you have if you let it. So, you set up an external discipline, like a 401(k) or something, where money comes out of your paycheck so I don't have the opportunity to spend it and I'm saving for the future.

Congress can do the same thing as American taxpayers do, which is, set up an external discipline that keeps us from spending more money than is coming in. We need a spending limit. We need something that keeps Congress from spending money faster than the American taxpayer is earning it. Because, you see, if government grows faster than the income of the average American, the only way to get that money is to take more of the average American's money. And that means you're giving the average American less of their own money to spend on their priorities so that we here in Washington can spend more of their money on ours. And that's just wrong.

Spending in this place should not be allowed to grow faster than American's incomes. And we will make some proposals to put that kind of limit on this Congress so that the limits are here and Americans have limits and restrictions removed off of them so they can earn more money and keep it, because that's what everyone wants to do.

I yield back to the lady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from California. And if he would yield for a moment of colloquy.

I want to go back to the issue of the deficit, because you mentioned that the deficit had gone down over the past few years and this year the deficit is going to more than double. And of course we know that much of that is because of increased spending. And I would like for you to go back and touch on that point one more time.

Mr. CAMPBELL of California. Sure. I appreciate the lady from Tennessee yielding for this.

Yes, we have had increased tax revenues every year. In fact, all but one year out of the last 4 years it has been double digits, in other words, 10 percent or more. That's pretty good. I think a lot of Americans out there would love to see their paycheck rise by 10 percent a year. Well, the Federal Government's paycheck has been rising by that amount over the last 4 years, but we've continued to spend money. And so now revenue is dropping off a little bit, the increases aren't quite as big as they were the last 4 years, but government spending has proposed to keep on trucking, keep on going up. And that's why you're going to see this deficit nearly double, probably more than double.

Mrs. BLACKBURN. If the gentleman will yield. What we saw from the '01 and '03 tax reductions was that the Federal Government's revenue, the

money the taxpayers are sending in for us to appropriate and spend on behalf of them at the Federal level, that money has been increasing in double digits every year since we started the tax reductions, which allows our taxpayers to keep more money in their pockets. So, what we saw was we made those reductions, and then the Federal Treasury is bringing in more money from the taxpayers. But what we also saw was that Congress continued to increase the percentage and increase their spending.

Mr. CAMPBELL of California. That's absolutely right. And again, as I pointed out, the Democrats who came into power, many of them campaigned and made a big deal about, their issues were, that they would, wanted a balanced budget, wanted to move towards a balanced budget, but now we're doubling the deficit.

Mrs. BLACKBURN. And if the gentleman will yield, what we also saw was that the deficit was down, both as a percentage of the GDP and also in the amount of the deficit, the dollar amount, much of that due to the Deficit Reduction Act that we passed that was the '06 budget. And then what has happened last year and what we will see this year is that that deficit is going to double because of increased spending.

Mr. CAMPBELL of California. That increased spending, and the fact that revenue has dropped off some. I mean, the growth in revenue has, in fact, dropped off, the economy is down, and so people are not making as much money and paying as much taxes. So, there is that, too.

But that's the point of all of this is that the government can't keep on spending; when times are good, increase spending a lot, and when times are bad, increase spending a lot, too. That's what we can't do. And that's what has gotten us in this mess, that's what has gotten us this big national debt, and that's what has gotten us into these deficits. And now we're having a little drop off in revenue. It's still probably going to increase, but just not at a 10 percent rate like it has before.

And so I'm looking to see, where is the proposal on the part of the majority party here to reduce spending so that we can try and, if we don't balance the budget this year, so that at least we don't double it, at least we try to control it a little bit, try and get it back on track towards balance. But that's not what we're seeing. That's not what we're seeing.

Mrs. BLACKBURN. And if the gentleman will yield. One of the things that we have long supported is balancing the budget and making certain that we do have a balanced budget, like many of our States have and like many of our counties and cities operate under a balanced budget, but we don't. And we do have our entitlement spending with the chart in front of you.

2050. I will yield back to the gentleman from California to show where

we get to the point there at 2050 where it takes all of our tax revenue to pay our Medicare, Medicaid, and Social Security. And I yield.

Mr. CAMPBELL of California. Sure. If you look at this little red line here, that's the taxes that people pay. That's the 30-year average tax revenue. And this isn't in dollar terms; this is in terms of a percent of the economy. So it's not like this year you're paying the same dollars in taxes that you would in 2080; it's that you're going to pay the same percentage of the overall economy in taxes.

So, if you look at that, that's the tax rates. And if you see right here, 2000–2010, we've been running deficits during all this period, but you still see that this line here is the total spending, it's a little bit over. And we don't like the deficits we have now. I mean, I've talked about it, people on the other side of the aisle talked about it. You don't like the deficits you've got now. Well, look at the difference between this red line and the spending now and what happens in 2030 or 2040 or 2050. It's huge. And when you get out here to 2060, you see that you have to just about double taxes to pay for everything at that point. And if you double taxes, people can't and won't make as much money because it will all be coming here and nobody will have money to invest. And so it's really worse. This chart, it's scary, but it almost actually makes it look better than it really is.

And so we really have to tackle some of these things. We really have to take this on because we say, 2050, that's a long time, I may be dead by then. Whatever. But that's not what in this House we're supposed to be thinking. We're not supposed to be thinking about us; we're supposed to be thinking about the American people now and in the future. And if we're going to be thinking about the American people now and in the future, it's going to be a whole lot tougher to deal with this problem in 2020 than it's going to be to deal with it in 2010. And that's why, Mrs. BLACKBURN, we should be dealing with this now, in the budget now. But nope, it's just kick the can down the road; accept that doubling of the budget deficit and just kick the can down the road. And I yield back.

Mrs. BLACKBURN. Well, I appreciate that. And especially when you consider the fact that 77 million baby boomers are going to retire between now and 2029. You were just pointing to 2030. And where we are with getting to that budget in 2030, you would be able to pay for Medicare, Medicaid, Social Security, and defense when you get to the line on 2030. And I think also, as we look at our entitlements and we look at Social Security, we know that in 1960, we had a 5:1 worker ratio, five workers for every one retiree. In 2007, this past year, we've had three workers for every one retiree. And by the time we get to 2030, we're going to have two workers for every one retiree. So you're going to have a married couple

with children supporting their family plus supporting a retiree, and I think that that adds to the push that we feel and the urgency that we feel.

You're exactly right. And I thank the gentleman from California for all the leadership that he brings to this issue because beginning to deal with the long-term structural issues that exist in this budget are vitally important to us. It is something that has to be dealt with, and it's something we can't kick the can down the road. And I yield.

Mr. CAMPBELL of California. And if the lady will yield for one last parting comment, as you look at this chart, if you look at this chart, because you will hear some people in the majority party talk about that the whole problem is the war in Iraq and it's defense spending. If you look at this chart over time, the width of this green defense bar doesn't change that much over time. Now, who knows what will happen, but projections are that defense spending as a percentage of the economy, which is historically not that high right now, but that it wouldn't change over time. The big problems, the ones that are small here and get really fat there, are if you take the two biggest. One is Medicare and the other is interest on the debt.

Interest on the debt gets big because we keep throwing deficit after deficit after deficit. The way to get that down is simple: Balance the budget, stop running deficits. But we haven't, as I mentioned, except for 4 years, I think over the last 40-something, we haven't had the will here to do that.

The other thing is Medicare. And what's so interesting is that that is government-paid-for medical insurance for older Americans, for seniors. But you have people out there now advocating that we should have Medicare for everyone, which you've got a problem with Medicare as it is, a huge problem in that it would almost take up all of your tax money by 2080, almost take up all your tax money all by itself.

So, I thank the lady from Tennessee very much and yield back.

Mrs. BLACKBURN. I thank the gentleman from California, and I look forward to hearing him talk a bit more as we go through the coming weeks about what we should do about entitlements, how we should address this issue, how we should make the budget process more transparent, and how we need to go about reforming these processes and changing how we spend the taxpayers' money, because we do fully believe, Madam Speaker, that the taxpayers do have the right to know and should know how this body spends their money.

□ 1630

At this time I want to yield to the gentleman from New Jersey (Mr. GARRETT), who is a member of the Budget Committee and has been an advocate for reforming budget processes and reforming the way we go through this.

And at this time I yield to the gentleman from New Jersey for his com-

ments on how we make certain that the taxpayers know how we spend their money.

Mr. GARRETT of New Jersey. I thank the gentlewoman from Tennessee for yielding, and I also very much thank her for organizing this Special Order, to be able to have the opportunity to come to the floor tonight.

As we have said, the bottom line up front, how much we take in and how much we spend. The American public must sit home and watch this and read the papers and live in a frustrated state, realizing that so much of their hard-earned money comes to Washington, and what we have here is a Byzantine system of archaic rules and what-have-you wrapped around policy statements, what-have-you, that the American public doesn't oftentimes get a clear picture to understand just where their dollars go.

And that's what the purpose is here tonight and in subsequent weeks I believe as well, to try to remove that shroud of mystery behind the system that we have here, to shine the light of day, as we are oftentimes saying, on the budgetary process, to give the American public a clear picture of exactly where their dollars go to. And we do this with not just an educational point in mind or a goal but to also allow the American public and the voter and the taxpayer to be in a better posture to decide among themselves just where they want their Government to go in this election and future elections and of course over their lifetime as well.

It was just this past week when we were back at home in the district work period and I was able to sit at my dining room table. Around this time of year, April 15 is coming up, tax time, and my wife said now is the time to start getting the paperwork out, Scott, and begin to look at it and getting all the stuff you need to send to the accountant to do our taxes, because I had given up, quite candidly, years ago trying to figure out myself, as I imagine most Members of Congress have, to try to figure out the Byzantine Tax Code that we have created for the American public as well.

So I began the process of collecting all my documents. And, of course, some of those are some of the basic ones, like your W-2 to show you how much you've earned over the last 12 months, over the last year. And then there's one of those little boxes, I think box 8 or 9 on there, that also begins to show you just how much money has been taken out of your paycheck week after week. You don't see it so much, especially nowadays because so many people have direct deposit and it goes right into their checking account or bank account. You don't see how much is actually taken out.

But at the end of the year you sure do. At the end of the year you get that W-2 and you look at that box, and I say, oh, my gosh, that's how much

money. In payroll taxes and income taxes, you put them out all together, and it's in the five digits for a lot of middle-class Americans.

I come from the great State of New Jersey where middle-class America lives and works hard to make a paycheck and pay their bills. They would be astounded if they looked at their W-2s, as I did and maybe you should as well, to see how much taxes are taken out and sent down here to Washington.

The Government took in \$21,992, almost \$22,000, in household taxes. Now, mind you, those \$22,000 are all household taxes. I believe that also includes payroll taxes alike. So your income taxes and payroll taxes, \$22,000. The government spends \$24,000 per household. So that's very easy math, and it's basically telling us that we are engaged in deficit spending. But look at that number: \$22,000 taken out of the average middle-class American's paycheck.

When the average household income in some parts of the country is around 40-some-odd-thousand dollars, half of that money, figuratively speaking, is going in taxes. I know it doesn't come out of that tax rate for that particular family, but that's enough for some Americans to live on entirely in certain parts of this country with a little bit of assistance on the side. And that's how much is being paid per household in U.S. taxes.

For some of us, we think that's just too much. The numbers have been projected with a little bit of varying degree of certainty on this, but on average the American household, the American family, a middle-class American works starting on January 1, just a month or so ago, and works all the way to sometime in mid-May just to pay their Federal taxes, State and local taxes as well. And then if you want to add onto that all the burden and the costs of all the Federal regulations and everything that also is a burden on us as well, you have to work almost all the way until sometime in the summertime, the beginning of July. So think about that. You're working almost the entire half of the year just to pay your taxes and the burden of the Federal, State, and local Governments.

And where do those dollars go? Well, that's something that we're talking about here. On average, first of all, the burden falls around 18.3 percent of GDP. What does that mean? The historical average of all the revenue coming into the Federal Government from the 1960s all the way up until the present time varies up and down, some years more, some years less. But on average as a percentage of GDP, it's around 18.3 percent.

Now, what this means is that at certain times the tax rates and the burden on the American family is greater than others; sometimes it's less than others. But we're here to point out where those dollars go and what can we do to make sure that that tax burden does not continue to creep up higher and higher and

higher so that the American family sees even more of their tax dollars go to that level and to purposes that they can only fathom a guess at.

If you have listened to the debate on this floor in past times, you've heard talk about earmarks and waste, fraud, and abuse. Earmarks are part of the problem, but they are only a small, small percentage of where our tax dollars go. The gentleman who was just speaking before spoke a little bit about the entitlements, Medicare and Medicaid, a much larger percentage. Let me fall someplace in between. As I sat there at my dining room table looking at the double-digit numbers as far as what my family has to pay in Federal taxes, I realize, as most Americans do, that we have an obligation to pay taxes into our Federal Government to provide for such things as national defense and homeland security, and we don't begrudge the Federal Government for any of those things. But as I also sat back, being a Member of Congress, knowing about the waste, fraud, and abuse and the unnecessary expenditures, that's when I and middle-class America begin to be concerned.

For example, nobody has to think back too far about all the dollars that we spent mistakenly in the area of Hurricane Katrina and the waste in portions of that spending. I had folks sitting in my office who did independent investigations on Katrina to see where those dollars were going to. Granted, there was a lot of necessary cost down there. But the waste, fraud, and abuse down there is telling. Fraud related to Hurricane Katrina spending is estimated to top \$2 billion. One of the areas that the investigators who spoke to me were talking about was the debit cards, debit cards that were issued repeatedly to the same people. That means over and over again, even though they should have applied and qualified for one, in some cases debit cards and checks were being sent out to people regardless of need. In other cases, cards being sent out to people even though they did not live in the area, to be used for all sorts of things, from a Caribbean vacation to NFL tickets and so on and so forth.

Likewise, auditors discovered that 900,000 of the 2.5 million recipients of emergency Katrina assistance provided false or duplicate names, addresses, and Social Security numbers. And the interesting thing there, and I will make this last point on Katrina, is that even though the fraud investigators found out about this and they told FEMA about it, FEMA continued to issue those cards.

The other side of the aisle sometimes makes the case with regard to corporate welfare, and I agree with them. The Federal Government spends too much of wasteful money with regard to corporate welfare as well. According to some statistics, Washington spends \$60 billion annually on corporate welfare versus \$43 billion on homeland security. So note that we are spending

more money on corporate welfare to some of the largest corporations in this country and the world than we are on homeland security. Likewise on corporate welfare, the Advanced Technology Program, which sounds like an admirable program, spends \$150 million annually subsidizing private businesses, and 40 percent of that money goes to Fortune 500 companies.

So as middle-class America sits at home saying, where are my tax dollars going, that's some of the places where it's going.

I will yield back and maybe speak again in a moment on some other points. But let me just close on this: I have the honor and privilege of serving on the Budget Committee, the committee in which we have the opportunity to sit back and look at the entire Federal budget, the big picture overview, and I have had the opportunity to do this now for 5 years. And during that time, many of these examples come before us; and during that time we have, let's call it, partisan differences from the other side of the aisle and ours on what we should be doing about it.

But mind you, in the 5 years that I have served on this committee, the 5 years that I have served in this House, not one time do I recall anyone from the other side of the aisle suggesting that the solution to taking the burden off middle-class America is to reduce their tax rate and to do so by actually reducing tax expenditures. On the contrary, everything I have seen over the past 5 years, and as has been pointed out by the gentleman from California right now, has been in the opposite direction, an increase in Federal spending and, as we have seen now with the mother of all tax increases, an increase of the tax burden on middle-class America as well.

Those are the points that I believe the American public has got to understand. As they pay their taxes April 15, where are their tax dollars going? It's going to, if the other side has its way, increased Federal spending on programs like these and other programs as well and an increased burden on middle-class America, things that those on this side of the aisle vehemently oppose and are doing our best to rein in.

Mrs. BLACKBURN. Reclaiming my time, I thank the gentleman from New Jersey for his leadership and his guidance on so many of our budgetary issues and for his desire. Madam Speaker, it is a true desire that he has to be certain that we provide transparency to the American people and that we become good stewards of the tax dollar, that we exercise good stewardship, because these are dollars that the taxpayers send to us and entrust to us to use. As I said earlier and as the gentleman from New Jersey pointed out so well, \$21,992 per household in taxes, and even that is not enough to meet the \$24,106 that the Federal Government spent per household. And this is where some of that money goes:

Social Security and Medicare, \$8,301 of that \$21,992 went to Social Security and Medicare. Defense saw \$4,951. The anti-poverty programs, which are our TANF programs, supplemental security income, things of that nature, \$3,500. Interest on the Federal debt, \$2,071; Federal retiree benefits, \$907. This is all out of that, per family, per household. Health research and regulation, \$664; veterans benefits, \$627; education, \$584; highways and mass transit, \$418; justice administration, \$392; natural resources and the environment, \$305. And certainly we know much of that money is going into bureaucracy, much of it is going into wasteful spending.

At this time I want to yield to the gentleman from Pennsylvania (Mr. TIM MURPHY), who has been a leader on the Energy and Commerce Committee and on the Energy Subcommittee, to talk a little bit about energy and environment spending and some of the ways that we need to put the focus on how the taxpayers' dollars are being spent on those issues, and I yield to the gentleman from Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank my friend from Tennessee for yielding.

Madam Speaker, when we look at the economy that our Nation is facing and what we should be doing about it, quite frankly, in the area of energy, what we need to see is our Nation take on the issue of energy as a scientific challenge of our time. Really, it should be nothing less than the Apollo Project of our time where our resources for research and development and our educational institutions look to answer the question: How do we make our country energy secure in a way that is respectful of the environment and our public health?

I was noticing today that oil is trading at \$100 a barrel. This will probably continue to climb. It will continue to climb as long as we continue to embargo our own oil resources off the Atlantic Coast, the gulf coast, the Pacific Coast, the Western States, and Alaska. And, yes, we need to do a great deal to improve the efficiency of automobiles. We need to do a great deal to improve the efficiencies of our highways, which waste massive amounts of fuel. But in terms of our economy, we cannot continue to have our families suffer the high prices that come when we say we will continue to be more and more dependent upon importation of foreign oil sources. We also are more and more dependent upon the marketplace with regard to natural gas. When we see our chemical companies shutting down plants in America and instead saying they'll build plants in the Mideast because the cost of natural gas is so much cheaper there, perhaps 25 cents to \$1 per million Btus, whereas here it may fluctuate to \$6 or \$8 or \$10 or \$12, it is something that's costing jobs and costing our economy.

□ 1645

It is something that is costing jobs and costing our economy. It is difficult

to see our President of the United States go and talk to Saudi leaders and ask them to increase production of oil recognizing that we are at their mercy as OPEC continues to set prices. We can change that by saying we will explore in environmentally responsible ways Americans' oil resources.

Let's look, for example, to shale oil in Colorado. Estimates are 2 trillion barrels of oil there, 2 trillion barrels of shale oil. We cut that off in our omnibus spending bill. This is forcing us to continue to import oil, some 60 percent. We limit development on natural gas. We also have situations where we are hurting our coal development. Our energy bills that we are facing this week and have faced for a while have not done much to improve our use of coal, but we have some 300 years' worth of coal.

What we ought to be doing is focusing our research and development dollars into using coal and cleaning it up so it does not have emissions, so it does not have large levels of CO₂s, so it does not pollute. That is a scientific challenge of our time. That is something we should be challenging our students as they go through school to think about how they can solve these issues, how they can create clean energy from our abundant resources of coal, how they can continue to find ways of using oil resourcefully and with environmental respect.

This is not something we are doing enough of. So what happens? It costs families more to go to work, it costs families more to feed their families. Look at what is happening with wheat prices. Yes, there are problems with wheat production in other parts of the world, but a big part of those costs has to do with the cost of transporting things. Last summer, flour was sold at about \$16 per hundredweight. Now it is \$40 or so, probably climbing to \$60. How will we handle it if a loaf of bread doubles on top of the increased prices people have to pay driving their cars to get to the grocery store? It is too much of a burden.

If we treat our energy needs as our Apollo project of this 21st century, of this decade, we would find jobs and more jobs and more jobs come out of this. The best economic stimulus package is a job. That is where we should be focusing. What can we do to build our infrastructure there? What kind of jobs come from building energy power plants? What happens when we start to put all our laborers, carpenters, ironworkers, boilermakers and electrical workers to build these plants?

Let me tell you how big this demand is. We have 400 old coal-fired power plants with inefficient or no pollution controls on many of them. We need to replace those 400 coal power plants, and because our energy demands of this country are going to double by 2050, we have to build an additional 400. We have to replace 100 nuclear plants and build an additional 100.

What that means is, starting in 2010, a ribbon-cutting ceremony to open up a

new coal-fired power plant every 2 weeks and a new nuclear plant every 2½ months. These are massive jobs for America. We should be making those investments so we have those jobs. And the best thing we can be doing is finding ways to clean up our resources. Why, the Pittsburgh coal seam alone, as my friend from Tennessee knows, overlaps my State of Pennsylvania, Ohio, West Virginia, Tennessee, Kentucky, and Alabama. And that is just one of our vast resources.

Let's focus our energy on doing what is right for the long-term for America, for America's jobs and America's economy, and stop saying "no" to energy security.

Mrs. BLACKBURN. I thank the gentleman from Pennsylvania for continuing the conversation about how we should be good stewards with the taxpayers' dollars and looking at how we spend those environment dollars, \$305 per family, spent on environment and energy programs last year. Unemployment benefits, as he said, the best economic stimulus is a job, unemployment benefits, \$299 per family. As you talk about developing energy resources, community and regional development, \$282 per family. But his point is it is imperative that regardless of what the sector, regardless what we are talking about, whether it is Social Security, defense, antipoverty programs, community development, or unemployment, it is imperative that we exercise good judgment and we use wisdom as we make these decisions, because the taxpayers do need to know how we are spending their money and how it relates to each and every family and what their share of that pie is.

Really, the leading expert on the family budget in the House is the gentleman from Texas (Mr. HENSARLING) who is chairman of the Republican Study Committee which is embarking on this project to demystify the budget and to make certain that our constituents and our colleagues all understand how we bring the budget together.

At this time I would like to yield to the gentleman from Texas for his comments.

Mr. HENSARLING. Well, I thank the gentlewoman for yielding, and I certainly appreciate her leadership in helping illuminate for families all across America exactly how this process of the Federal budget works. It is very important, Madam Speaker, that people pay attention to this Federal budget because at the end of the day, it is the family budget that pays for the Federal budget. Unfortunately, there is no free lunch. Somebody has to pay for this. And all of government will be paid for, and it is paid for out of the family budget.

It is especially important today, Madam Speaker, as families all across America are struggling to fill up their gas tanks. They are struggling to pay their health care premiums. They are struggling to send their kids to college. And every single dollar that is used to

plus up a Federal budget has to come out of some family budget. If you are going to plus up the Federal budget, you are going to decrease the family budget. And so it is important that families pay attention to how their money is spent.

So I applaud the gentlewoman from Tennessee for organizing a series of Special Orders on the floor of the United States House in order to help educate and enlighten the American people about this budget.

The first thing that the American people need to know about the budget is that, contrary to almost every single thing we do in this body, the budget doesn't even have the force of law. That's right, Madam Speaker. At best, it is a mere suggestion. Now, it takes an act of Congress to change the name of a post office, but somehow, the United States budget, the United States budget doesn't bear the force of law. It is a suggestion.

Now, many Republicans have come to this floor to try to say, at a bare minimum, the budget ought to be honest. And when we set a budget, it's supposed to be a ceiling on how much money we take away from American families, how much bread we take off of their table, how many opportunities we take away from them to give to government. There at least, at some point, has to be a ceiling where we say no more, we are not going to take any more away from American families. But instead, it is just a suggestion.

And so if we look in our rearview mirror, Madam Speaker, we unfortunately discover, just look for the last 5 years, 10 years, every time there has been a Federal budget, ultimately, Congress spent more money than what that budget provided. And so legislation has been brought by members of the Republican Study Committee, the Conservative Caucus of the House, to change that. But unfortunately we have yet to meet with success. But we will continue to ensure that there is a limit to how much money is taken away from American families.

Well, today how much money is taken? Over \$24,000 per family is what the Federal Government is spending. Now, whether it is paid for by cash or credit card, ultimately all government will be paid for. And this is, Madam Speaker, only the first time since World War II that the Federal Government has spent so much of the people's money. And that is an inflation adjustment number. Over \$24,000.

Madam Speaker, I just wonder how many people who are listening to this debate this afternoon really think they are getting their \$24,000 worth out of the Federal Government. Now, clearly there are many good things that the Federal Government does. But there has been an explosion of government, an explosion of government that, again, ultimately has to be paid for by the family budget.

Over the last 10 years, Madam Speaker, the Federal budget has grown by 66

percent; yet the family budget, as measured by median family income, has only grown 30.2 percent, less than half that. So families who have to pay for it are having to take a bigger bite out of their paycheck in order to write out that IRS check. Well, Madam Speaker, how long can this go on? How long can the Federal budget exceed the spending of the family budget? American families need to know that. And that is why it is important that these Special Orders have been organized by the Republican Study Committee to let the American people know just how much money is being spent of theirs and how that money is being spent.

Now, some will say, and we often hear it, this budget is being cut and that budget is being cut. I wish for once it were true. But there is this thing in Washington, and it is a little bit of inside baseball, called "baseline budgeting," which as this series continues we will speak about more, Madam Speaker, but baseline budgeting is an accounting concept that would make an Enron accountant blush. It automatically inflates all the numbers of the Federal budget.

Now, people all across America believe that if you spend the same amount of money on something next year as you did this year, but that is not a cut, but under the concept known as "baseline budgeting" and something called the "current services budget," government automatically inflates all of these government accounts. And then say, for example, if you don't increase the Housing and Urban Development budget by 2.7 percent, say you only increase it 2 percent, that is a cut. That is what "baseline budgeting" means. Again, Republicans representing the Republican Study Committee have come to the House floor to try to introduce honest accounting and transparency on this House floor.

Unfortunately, we have not had any cooperation by our friends on the other side of the aisle who want to continue with this thing called "baseline budgeting" that inflates the government budget at the expense of the family budget.

And just listen to some of these budgets, Madam Speaker. Over the last 10 years, the international affairs budget has grown 128 percent. The energy budget, what we call budget function number 270, has grown 229 percent. The transportation budget, Federal transportation budget has grown 88 percent. Community and regional development, 132 percent. And the list goes on and on. And again, over the last 10 years, the family budget, which has to pay for it, has only grown a little over 30 percent.

So government, the Federal budget, is growing at a huge multiple over the family budget, and yet the family budget has to pay for it. And it is that family budget, that family paycheck that is getting stressed. And so it is another reason why the American people need to pay very close attention.

Now, how is all of this government paid for? We have the single largest budget that is about to be proposed by the Democrats in the history of America. It is going to weigh in at over \$3 trillion, continuing the exponential growth of government at the expense of the family budget. Well, how is it paid for? Well, two different ways: cash and credit. And the cash is taxes.

Now, my friends and I on the other side of the aisle will say, well, all we need to do to balance the budget is raise taxes. Well, they hadn't balanced it yet. But they certainly, certainly have done an excellent job of raising taxes. Already, Madam Speaker, it is very important that the American people know this, but there are huge automatic tax increases that are scheduled, courtesy of our friends on the other side of the aisle, the Democrats. Right now, the single largest tax increase in American history is due to be imposed upon the American people over the next 3 years. This is written into law.

The American people need to know what kind of bite is going to come out of their paycheck to inflate the Federal budget at the expense of the family budget. Already, with these scheduled Democrat tax increases due to take place over the next 3 years, the average family in America is going to be socked with an additional tax burden of over \$3,000 per family. That's right, Madam Speaker, over \$3,000 per American family courtesy of our friends on the other side of the aisle.

What is going to happen? Well, at the bracket, ordinary income, the top bracket will go from 35 percent to 39.6 percent, which is an increase of 13 percent. Now, some say, well, that is the wealthy. Let's go tax the wealthy. Well, Madam Speaker, how many people in America when they hear that really believe it?

□ 1700

Anytime you hear that phrase, it is time for middle-income people to grab their wallets, because it means that Washington is going to go on another money grab.

Also, Madam Speaker, it is important to note that approximately over 70 percent of those people who file at that rate are small businesses, the backbone of the American economy. We on this side of the aisle want to help ensure paychecks. Paychecks are more important than welfare checks.

So here it is: The Democrat party is getting ready in their budget to once again increase taxes on small business. The capital gains tax, the "capital" of capitalism, the fuel of free enterprise, that tax is due to increase 33.3 percent over the next 3 years.

Dividends are due to increase, a 164 percent tax increase on dividends, courtesy of our friends on the other side of the aisle, the Democrats.

The death tax. You have already paid taxes on the income once; but yet under the death tax, American people, Madam Speaker, are compelled to visit

both the undertaker and the IRS on the very same day. That is just an outrage. That tax is due to go from zero to up to 55 percent. People in the Fifth District of Texas, Madam Speaker, can work their entire lives trying to build a ranch, trying to build a farm, trying to build a small business, having the American Dream of thinking maybe one day I can leave that to my children or my grandchildren, only to see Uncle Sam come in and take 55 percent.

The Democrats' budget proposals will gut the American Dream. They will just take away any opportunity to leave that farm, that ranch, that small business. I talked to a rancher in my district who said, Congressman, once Uncle Sam takes his piece, there is not enough left for the family. That shouldn't happen in America.

I would be happy to yield back to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from Texas. I want to go back to a point that you made. The tax burden on the average family, already they are turning over \$21,992. The Federal Government is spending \$24,106. So they have got this debt, this deficit in there, that is being passed on to their children and grandchildren. But you said that tax burden is getting ready to go up \$3,000?

Mr. HENSARLING. That is right. If the gentlewoman will yield, over the next 3 years, on average, the average American family will see their tax burden increase by \$3,000 per family to pay for the spending spree of Big Government by our friends on the other side of the aisle, the Democrats.

Mrs. BLACKBURN. I thank the gentleman for that. So we have got the \$21,992 that the average household paid in 2007, and then they had on top of that the \$2,100 deficit for the year, and the Federal Government spending \$24,106. But what you are saying is the current budget policies are going to push that up even another \$3,000 per family over the next 3 years.

I just highlight to my colleagues that we have talked a good bit today about the overall budget process and why we think the taxpayer has the right to know how this body spends your money. The taxpayer has the right to know what is going to be there in the form of a deficit and a debt that their children are going to have to pick up the burden on and carry that burden.

The taxpayer has the right to know what is looming with Medicare and Medicaid and Social Security and the entitlements that are there that are put on automatic pilot. They have the right to know what the budget processes are, what is the difference in baseline budgeting and zero-base budgeting and performance-based budgeting; what are the benefits that would be derived by transparency.

They have the right to know how the Budget Committee goes through the process of setting the parameters on this budget. And certainly they have the right to know what takes place in

the appropriations process. They have the right to know what is wasteful spending and what are earmarks and what is in front of us with this entire document.

Madam Speaker, I thank you for the time that you have yielded to us. We are going to be back next week. We are going to continue to talk about this issue. I hope that people will follow this with us at House.Gov/Hensarling/RSC. We would hope that we hear from them and that we bring an element of transparency and therefore accountability to the budgeting process.

ADMINISTRATION NOT COOPERATING WITH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Madam Speaker, I come to the floor tonight with a heavy heart. The nature of the allegations I make speaks poorly of this administration. In my heart of hearts, I have always wanted this administration to succeed, but the issue at hand is of such magnitude that the American people need to know what is being done and what precedents are being set.

In my tenure as a senior member of the House Foreign Affairs Committee, both as chairman and ranking member of an investigative subcommittee, I have witnessed firsthand behavior by the Bush administration which I find deeply troubling.

The disdain and uncooperative nature that this administration has shown toward Congress, including Republican Members, is so egregious that I can no longer assume that it is simply bureaucratic incompetence or isolated mistakes. Rather, I have come to the sad conclusion that this administration has intentionally obstructed Congress' rightful and constitutional duties.

Tonight I will discuss some serious examples of this administration's contemptuous disregard for the authority delegated to Congress by the Constitution. This bad attitude has consistently manifested itself in a sophomore resentment toward Congress' constitutional role as an equal branch of government. The result has been an executive branch too insecure to let Congress do its job, an executive branch that sees Congress, even when Republicans held the majority, as a rival and a spoiler, rather than as elected representatives of the American people playing a rightful role in establishing policy for our great country.

Unfortunately, when the President of the United States rejects the legitimacy of congressional prerogatives, there are serious consequences. Tonight, I will provide examples of how this administration for the past 7 years has undercut congressional investigators, has lied to Members of Congress,

and has forged ahead with secret deals in spite of efforts and pleas by Congress to be informed, if not involved.

In the last Congress, I was chairman of the Oversight and Investigations Subcommittee of the House Foreign Affairs Committee. In that capacity, I learned that in the time immediately leading up to the bombing of the Federal Building in Oklahoma City, convicted Oklahoma City bomber and murderer Terry Nichols had been in Cebu City in the Philippines. His stay in Cebu City coincided with another visitor to that city, al Qaeda's terrorist leader Ramsey Yousef. Interestingly, both Nichols and Yousef used similar bombs and methods just 2 years apart to blow up two American targets. Yousef was the mastermind of the first attack on the World Trade Center in 1993. Nichols was a coconspirator in the bombing of the Oklahoma City Federal Building in 1995.

By the way, I would like to acknowledge that today happens to be the 15-year anniversary of that first devastating attack on the World Trade Center.

These individuals, one American and one Arab, were responsible for planning two of the most lethal terrorist attacks on our countrymen in our history. We are to believe that by coincidence they ended up in an off-the-beaten-track city in the Southern Philippines? One doesn't have to be a conspiracy nut to understand that this coincidence is certainly worth looking into.

I started an official congressional investigation sanctioned by Henry Hyde, then the chairman of the International Relations Committee, to see whether Terry Nichols or his accomplice, Timothy McVeigh, had foreign help in their murderous terrorist bombing of the Alfred Murrah Building in Oklahoma City.

In light of the fact that Terry Nichols and Ramsey Yousef were both in Cebu City at the same time prior to hauntingly similar terrorist attacks, it was no stretch for a congressional investigative committee to be looking into this matter. However, the Bush administration felt quite differently. To those I had to deal with, it was "case closed, don't bother us." They had looked into the matter, and Congress should simply and blindly accept their conclusion that there was no Nichols-Yousef connection. "Don't bother us." This was at times bureaucratic laziness, and at other times it was clearly based on a disdain for congressional investigations and authority.

During my investigation, I secured Ramsey Yousef's cell phone records. The records were part of the phone calls that he made when he was in that New York City area in the months just prior to the bombing of the World Trade Center in 1993.

The phone records show that Ramsey Yousef made at least two phone calls to a row house in Queens, New York.

That row house was occupied by the cousin of Terry Nichols' Filipina wife. Let me repeat that. The terrorist bomber of the first World Trade Center attack, the nephew of al Qaeda 9/11 mastermind Khalid Sheikh Mohammad, made phone calls to the same row house that was occupied by Terry Nichols' cousins-in-law just 2 months before he exploded the bomb in the garage of the World Trade Center 15 years ago. Another coincidence?

I gave this information to the Department of Justice and since that time have repeatedly sought their help in investigating this matter. Time after time, my requests have gone unanswered or have just been flatly denied.

I also asked the Department of Justice on numerous occasions to help me investigate the name Samir Khahil. This name is on a list of unindicted co-conspirators of the 1993 World Trade Center bombing, again in connection with Ramsey Yousef.

It also is the name, by the way, of an Iraqi man in Oklahoma City who at the time of the Oklahoma City bombing employed an Arab immigrant who fits the description originally made by numerous witnesses as to John Doe II.

This Oklahoma-based Iraqi lied, meaning the John Doe II look-alike, lied to the investigators about his whereabouts at the time of the Oklahoma City bombing, yet there was little if any follow-up on this John Doe II look-alike. In fact, the FBI simply declared that John Doe II never existed. The existence of John Doe II, let it be remembered, was based on a sketch and sketches derived from witnesses on the scene of the Oklahoma City bombing and the truck rental company in which that bomb was placed on a truck from that truck rental company. Those witnesses described a man who, as I say, looked very much like Samir Khahil's employee.

Now, I have repeatedly asked the Department of Justice to tell me if the Samir Khahil on the unindicted co-conspirators list of the 1993 World Trade Center bombing is the same Samir Khahil who employed a man originally identified as John Doe II, the bomber, the number two bomber in the Oklahoma City bombing. The Justice Department's answer: "It would be too burdensome to find out if it was the same man."

Further, we asked help in finding the Arab immigrant who looked like John Doe II and the man who was employed by Samir Khahil. We traced him to Boston, but we have had no support or cooperation in finding this very possible terrorist, or at least terrorist suspect. He may well have been working at Boston's Logan Airport on 9/11/01, the day that a plane took off from that airport and was hijacked and crashed into the World Trade Center. Another weird coincidence to the Oklahoma City bombing. Another coincidence, yes.

You don't have to be a conspiracy nut to believe that these things should

be investigated. Instead, there has been no follow-through, no interest. The case is closed, forget it, both in terms of Samir Khahil and his Iraqi employer and employee; and both of these people, of course, reside in the United States right now.

That is just a small taste of the deplorable lack of cooperation for a legitimate congressional investigation. And it was no fluke. I didn't just happen to snag some uncooperative Federal employee. No, this is the level of non-cooperation Congress has learned to expect from this administration.

Yes, Departments and agencies do have limited resources, and I understand that. I used to work in the executive branch. So, yes, there may be some better uses for and some good uses for those limited resources and better uses for their time and investigators, rather than just following up on leads that are provided by Members of Congress.

□ 1715

You can hear someone explaining that. But the lack of cooperation that we have had goes far beyond the fact that they are not going to give their limited resources or even use some of their investigators to track down what most of us would consider a very worthwhile lead, especially considering that the terrorist that we are asking to look into currently resides in the United States and may well have had something to do with the bombing of the World Trade Center and the bombing of the Oklahoma City building there.

But, again, a lot of my requests don't require a lot of time and effort on the part of the executive branch, and I still have been stonewalled. For the past year, for example, I have repeatedly requested to interview the imprisoned terrorist Ramzi Yousef. He is in Colorado and in strict lockup. He has been there for 10 years.

This would have taken no time and no resources from any executive branch or Federal employee. None. This request is well within my committee's jurisdiction as ranking member of the Investigative Subcommittee of the House Foreign Affairs Committee.

This request has been supported by the chairman of the Investigative Subcommittee, the chairman of the full Foreign Affairs Committee, the chairman of the Judiciary Committee, and the chairman of the Intelligence Committee.

Such attention by Congress should be welcomed by this administration and every administration. The legislative branch can help bring new information to light and inform the public.

Nevertheless, the Department of Justice, consistent with its treatment of congressional inquiries during the tenure of this President, has dismissed this valid request. This request has been treated with what can only be described as contempt and condescension.

The point is, unfortunately, that this rejectionist attitude is typical. It is

not that they don't have enough resources to help out, to look into an easy matter to look into. It is just that they do not want to cooperate with Congress, even when it's a Republican in Congress, even when the Congress was controlled by a Republican majority.

So, why would this administration obstruct congressional inquiries such as this? Remember, Ramzi Yousef was the mastermind behind several devastating terrorist attacks and plots against America. He led the first murderous attack on the World Trade Center in 1993, as I say.

After fleeing to the Philippines, he and two other terrorists plotted to kill thousands of Americans by blowing up 12 commercial airliners over the Pacific at the same time. It was known as the Bojinka plot. It was within 2 weeks of being executed when it was discovered and thwarted by Philippine police.

Interestingly, the terrorist operation, the Bojinka plot, was to take place about the same time as the Oklahoma City Federal building bombing, perhaps on the same day. We don't know. Perhaps we should know. Perhaps we should ask Ramzi Yousef about that.

Ramzi Yousef has been in Federal prison for over a decade. He is a prisoner with a unique understanding of the al Qaeda terrorist structure. He is the nephew of Khalid Sheikh Mohammad, the mastermind of the 9/11 attack on the World Trade Center.

In 2006, when I was the chairman of the House Oversight Investigations Subcommittee on the Foreign Affairs Committee, I was investigating Yousef's movements and activities not only in the United States but in the Philippines. I even traveled to the Philippines to question authorities who had captured Yousef's roommate and coconspirator in the Bojinka plot.

In spite of that fact and in spite of the fact that I was looking into Yousef's terrorist activities and in spite of the fact that I had obtained new information about Yousef's phone calls right here in the United States and new information about his associates while he was in the United States, the Department of Justice still dismisses the effort and, more than that, they are obstructing a legitimate congressional investigation, refusing to permit this elected Member of Congress, a ranking member of a congressional investigating committee, to interview a Federal prisoner. They refused access to Yousef claiming that there is a "ongoing investigation."

This prisoner has been in jail for over 10 years. It is more likely that what we have here is an ongoing coverup and not an ongoing investigation. In fact, I have been told recently by a former member of the Justice Department that they were told routinely simply to give answers that there is an ongoing investigation even if no ongoing investigation was underway, but simply using it as a phrase to dismiss a request from Congress.

Well, this is outrageous, but it's typical of this administration. This is a lot more than just a hurtful pride on my part of being turned down.

This administration is setting a terrible precedent. What people have to understand, when I am turned down like this, is when there is a liberal Democrat in the White House, the President will have set that Members of Congress can simply be dismissed, and that when they are trying to do a congressional investigation need not be cooperated with, in fact, can be obstructed. Is that the type of President that we want? Is that acceptable? It shouldn't be acceptable to Democrats and it shouldn't be acceptable to Republicans.

Doesn't Congress have a right to talk to Federal prisoners. Are these the rules of engagement? Is it really the rules of engagement that we want for our government that Members of Congress and the legislative branch don't have a right to talk to Federal prisoners?

Well, that's apparently what the Bush administration is trying to establish as the executive authority, as executive authority, the right to deny congressional investigators access to Federal prisoners. The danger of this should be easy to understand, both on my side of the aisle, the Republican side, and the Democratic side of the aisle.

Again, the attitude, apparent in the treatment of this request, is not an aberration or is it some sort of situation where this is not really a representative way the President has acted with his authority. No, I am afraid that's not the case.

This request was first made and denied when the Republicans controlled the Congress and I was the chairman of the Investigative Subcommittee.

Now Congress has a Democrat majority. In my position as ranking member of the International Organizations, Human Rights, and Oversight Subcommittee of the House Foreign Affairs Committee, I have seen it time and time again.

Our subcommittee chairman, BILL DELAHUNT from Massachusetts, read in the newspaper that our President is negotiating a security agreement with the Iraqi Prime Minister that will govern the future relationship of our countries.

Now let me say that again. The chairman of the Oversight Subcommittee on Foreign Affairs Committee is getting the information about a hugely important foreign bilateral security agreement by reading the newspaper. So, Chairman DELAHUNT conducted a hearing about the status of such an agreement and invited the administration to send a witness to testify before Congress.

How did the administration respond? They ignored the request. So the hearing was held with a private panel of witnesses, and, yes, the public has a right and an obligation to fully under-

stand such commitments that are being made by the President in our name.

In a democratic society, policy is made after having an open dialogue. George Bush was elected President, not king.

In another attempt last month, our subcommittee held another hearing on the Iraqi security agreement and, again, our panel invited and pleaded with the administration to provide a witness. Their response? Silence.

Our subcommittee held another, a third hearing on this topic. Again, our subcommittee invited the administration to attend and explain to Congress what kind of commitment our government has agreed to with the government of Iraq. Even our full committee chairman wrote letters asking for the administration to participate in the subcommittee hearing. All the requests to the administration by our committee and by the superiors in the full committee were ignored, except for one, and, in one instance, where the contact was made, and I am sad to say that once again this administration was less than honest on a matter of national importance. Chairman DELAHUNT's subcommittee was told by a White House staffer that the administration's unwillingness to participate in hearings was because "There is nothing to talk about because we haven't put pen to paper" on security, because they haven't put the pen to paper on the security agreement, supposedly.

Well, when confronted with the fact that the New York Times had written a story saying that a 17-page agreement was being passed around, this White House staffer backtracked and quibbled.

This is unacceptable, it's dishonest, and it's typical. It's like saying there is an ongoing investigation; don't discuss anything anymore with me. There is nothing going on here.

Now, there is something going on, just as, instead of talking and trying to negotiate about what type of spokesman we could have at a hearing, instead, what we get is an undermining of the congressional right to oversee for the foreign policy decisions of this administration.

This stonewalling prevailed until a few weeks ago, when Condoleezza Rice, Secretary of State Condoleezza Rice, a person and a leader who I deeply admire, testified at a hearing of the full International Relations Committee.

When asked about this issue, about witnesses not showing up from the State Department and this administration to explain to us in public and to discuss in public these very important agreements that are being negotiated with Iraq, she pledged at that time that there would be future witnesses dealing with this Iraqi agreement.

At least Condoleezza Rice, the Secretary of State, feels secure enough in this administration to do what's right and to talk directly to Congress and to send her people over to talk to us.

Unfortunately, we had to go all the way to the Secretary of State before we could get anybody in this administration to participate. Let me note, I am a supporter of the President's Iraqi policies. I have been a supporter since day one. I supported the surge, and I am not in favor of some of the propositions made by my friends on the other side of the aisle, which I consider would be a precipitous leaving of Iraq and would cause damage, I believe.

But that's not the point. The point is, Congress has a legitimate oversight responsibility and that the President of the United States should be discussing in public so that the public could understand why policy is being made rather than trying to secretly arrange a policy agreement and then surprise everybody, you know, as a done deal. Sadly, this administration's antipathy to the constitutional responsibilities of the legislative branch of government does not stop and end with my efforts and those of my subcommittee on investigations.

In October of last year, 22 of my colleagues and I wrote to the Acting Attorney General, Peter Keisler, regarding the pending lie detector test for former National Security Advisor Sandy Berger.

Madam Speaker, I submit for the RECORD, a copy of a letter concerning making that request of Acting Attorney General Peter Keisler.

Washington, DC, October 10, 2007.

Mr. PETER D. KEISLER,
Acting Attorney General, Department of Justice,
Washington, DC.

DEAR ACTING ATTORNEY GENERAL KEISLER: In 2005, former Clinton National Security Advisor Sandy Berger pled guilty to the mishandling and destruction of classified documents.

He admitted to entering the National Archives and unlawfully removing, then subsequently destroying, classified documents dealing with terrorist related issues. He removed the documents by stuffing them down his pants and in his suit jacket, presumably with the intention of getting rid of any damning evidence showing his involvement in the failure of our intelligence and law enforcement communities to prevent the Sept. 11th attacks prior to his testimony before the 911 Commission. These documents have never been recovered.

As part of a plea deal, Mr. Berger agreed to take a polygraph test to be administered by the Department of Justice. It has been two years since that agreement and Mr. Berger has yet to fulfill his obligation.

We are writing to officially request that as Attorney General you direct the Department of Justice without any further delay to administer a lie detector test to Mr. Berger and determine what documents were stolen and how our National Security was compromised.

The Congress, and the American people, deserve to know the facts of this crime and what Mr. Berger was covering up. Therefore we respectfully request a directive be issued by your office ordering Mr. Berger to surrender to the Justice Department immediately and that a polygraph test be administered forthwith.

Sincerely,

DANA ROHRBACHER,
Member of Congress.

In 2005, Sandy Berger pled guilty to the mishandling and destruction of

classified documents. He admitted that he unlawfully removed and subsequently destroyed classified documents from the National Archives. These documents dealt with the failure of our intelligence agencies during the Clinton administration to prevent the horrendous attacks on 9/11.

As part of his plea, Mr. Berger agreed to a lie detector test which was given by the Department of Justice. This would determine what documents had been stolen by Mr. Berger. We are still waiting for that test to be administered.

As a member, as a senior member of the House Foreign Affairs Committee, I was and still am rightfully concerned about the length of time between his crime and the administration of his lie detector test.

So on October 10, 2007, I sent a letter, that letter signed by 22 of my colleagues, asking the Department of Justice why the test had not been administered.

On October 22, 2007, my office received a form letter acknowledging the DOJ's receipt of our inquiry. It was signed with an illegible signature. We have no idea who signed it. All we know is that he or she penned it "for" next to a printed name Brian Benczkowski.

Principally, he is the principal Deputy Assistant Secretary General.

□ 1730

We were also given a tracking number so we could track any future correspondence. In spite of that fact, we received a computer-generated response and a tracking number to an official congressional inquiry, okay, signed by 23 Members of Congress. We had hoped that we would actually have an answer to our request and that there would actually be a human being rather than a tracking number that we could look to.

Well, we got our wish and we got a letter back. On January 24, 2008, 94 days after the letter, we received a response, and I submit the response for the RECORD.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, January 24, 2008.

Hon. DANA ROHRBACHER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ROHRBACHER: This is in response to your letter, dated October 10, 2007, in which you requested that the Department of Justice administer a polygraph examination to Mr. Samuel Berger, who pleaded guilty in April 2005, to violations of federal law relating to the removal of copies of classified documents from the National Archives.

We appreciate your interest and have enclosed a copy of our letter, dated February 16, 2007, to the Honorable Henry A. Waxman, Chairman of the Committee on Oversight and Government Reform, advising him of our views regarding the Minority Staff Report that was issued regarding this matter. As stated in our response to Chairman Waxman, we believe that there are no facts that would justify a polygraph of Mr. Berger at this time.

We are sending an identical response to the other Members who joined in your letter to us. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter.

Sincerely,

BRIAN A. BENCZKOWSKI,
Principal Deputy As-
sistant Attorney
General.

The letter was dismissive and said that the DOJ found no reason to issue a polygraph test to Sandy Berger, and attached was an old letter the DOJ had sent to Chairman WAXMAN of the House Oversight and Government Reform Committee almost a year before our correspondence. The letter this time was signed by Brian Benczkowski.

Madam Speaker, I have been a Member of Congress for 19 years. I have never seen such a pattern of blatant disregard and outright disdain for Members of Congress. If Sandy Berger is not to be polygraphed to verify the documents that were stolen from the Archives, we need to know why such verification is not being done. This administration wouldn't even give a respectable answer to the rightful inquiry of Members of Congress of why we are not verifying through a polygraph test what documents were stolen from the National Archives by the former National Security Adviser.

On the one hand, this President believes he has a right to make demands on us. The President said in his State of the Union address that Congress must act on certain issues. We must do as he wishes. We must pass legislation he deems necessary. Yet while 23 Members of Congress write his Justice Department a serious letter of inquiry about a national security issue, we get a computer-generated form letter and a copy of an old response to a different inquiry. The bad attitude I am detailing is pervasive.

The handling of a proposed totalization agreement with Mexico is again yet another example. The totalization agreements, and totalization agreements are not necessarily a bad thing, they can serve a useful function. Large corporations both in the United States and abroad often assign people to work in an overseas office for several years. During these years, employers are double taxed. They pay both Social Security and the equivalent tax in their native countries. Allowing the Social Security Administration and foreign agencies to give credit under one system towards retirement makes sense if there are a limited number of people involved and the people who are involved in this are working here legally and temporarily. The concept itself is not alarming.

However, this is emphatically not the case with Mexico. We have millions of Mexican citizens living illegally in the United States. This is not a limited number of Swedish or Japanese executives who will only work here for a number of years and then go home. Not only are Mexicans not going to return to Mexico; the Mexican Government

encourages them to stay in the United States. After all, if the U.S. is going to pay for their health care, their education and now their retirement, why should Mexico be bothered.

Knowing the volatility of the American people on both the Social Security and illegal immigration issues, the totalization negotiations with Mexico were kept totally under wraps. Now remember, these negotiations with Mexico started in 2002 with a Republican-controlled Congress. One would think that a Republican administration would at the very least advise Congress, perhaps giving a status report, concerning such diplomatic efforts as the totalization negotiations with Mexico.

Well, Congress did not know the details until it hit the press. Worse, these press releases on the agreement, put out by the administration, were misleading and it appears that Congress was being misled as to just what the administration had agreed to concerning Social Security benefits for Mexican nationals illegally working in the United States.

Now, I have proposed legislation to ensure that no work done while someone is in this country illegally should be counted towards a Social Security benefit. The administration apparently agreed in the totalization agreement negotiations that illegal aliens from Mexico will be eligible for the same treatment under Social Security as U.S. citizens without ever becoming a legal resident or citizen. It took a long, drawn-out legal battle in the form of a Freedom of Information lawsuit to get the details of this agreement from the administration. Again, stonewalling and concealment, whether it deals with Iraq or whether it deals with a totalization agreement dealing with Social Security rights for the people from Mexico who come to our country illegally.

In both cases, regardless of how you feel about the Iraq policies or Social Security for illegal immigrants into our country, the point is we should not be keeping this debate secret. Congress has a right to oversee such agreements, and we should have a public dialogue about these types of decisions.

This administration has, as I am pointing out, a history of concealment and in some cases of distorting and actually not telling us the truth about what is going on with these negotiations and agreements that are happening behind closed doors.

Once Congress and the public found out about the agreement in the totalization agreement, a fire storm broke out not just about giving illegals Social Security but about keeping it secret from Congress. Yes, as I said, Congress, as well as America's seniors, have every right to know if the President of the United States is in the process of signing an agreement to give Social Security benefits to illegal immigrants. It is something we should discuss. It is not something where the

President should try to make an agreement behind closed doors. In this case the administration is undermining the public's right to know and the Congress is being left in the dark.

And please remember, the danger from this agreement is not past. Due to the public outrage, it has been put on the back burner, but the President at any time can submit this agreement to Congress even if he has not detailed it for us now so we can discuss it.

What I am describing is a pattern of arrogance and contempt, and that is especially true not just with Social Security but with broader issues relating to illegal immigration and on issues dealing with Mexico.

The tragic case of wrongly imprisoned Border Patrol agents Ignacio Ramos and Jose Compean exemplifies the worst aspects of this administration's attitude problem, and will forever leave a black mark on this administration.

President Bush has himself made decisions that directly led to the ongoing tragedy which sees these two Border Patrol agents languishing in solitary confinement; and that's where they are today, in solitary confinement, being treated worse than we treat the terrorists in Guantanamo. That is where we are now. That is what they have had to endure in that solitary confinement for over a year.

Now, this is clearly a questionable case, but President Bush has deliberately dug in his heels to protect his good friend and young protege, the prosecutor, U.S. Attorney Johnny Sutton. Rather than entertain the probability that a terrible injustice was in progress and instruct the Justice Department and the Department of Homeland Security to cooperate so Congress could get to the bottom of this nightmare, this President has thumbed his nose at the congressional concerns and initiated a policy of obstruction and denial in terms of Ramos and Compean.

Since the Ramos and Compean case was brought to my attention in September 2006, I have written over a dozen letters to this administration requesting various documents regarding the harsh prosecution of Ramos and Compean. I have been joined by several other Members of Congress in this effort, including Congressmen POE, CULBERSON, and MCCAUL. These three Members of Congress, in fact, attended a briefing on Ramos and Compean's prosecution by the Department of Homeland Security Inspector General's Office on September 26, 2006.

In that briefing, serious questions were raised by these three Members about the fundamental justification for this prosecution to begin with. The President and his lap-dog prosecutors would like us to believe that they have no discretion, but these Members of Congress who have long histories in the law and in prosecution, they know. They could see there was something wrong because we know that the actual

charges being brought against Ramos and Compean, and they were fully aware of this because these Members of Congress, as I said, have a big background in law, they knew that what charges were being brought were totally at the discretion of the prosecutors. The prosecution's hands were not tied.

What were the grounds for charging these men with crimes like attempted murder, assault with a deadly weapon, the unlawful discharge of a firearm during a crime of violence, and a Federal civil rights violation? These charges that could have put Ramos and Compean in prison for 10-20 years were totally at the discretion of the prosecution. Did this fit the crime? If there was any crime at all that was committed, why would they be charged with this overwhelming attack by the prosecution knowing that by making these charges these men are going to end up being put away for one or two decades of their life.

These two Border Patrol agents had wounded a fleeing illegal alien drug smuggler who was escaping after assaulting one of the officers who had intercepted the drug dealer during an attempt to bring \$1 million worth of drugs into this country. Although they were never intended by Congress to be applied in this way, the gun laws which were applied by the prosecution, the gun law of mandatory prison sentence, was applied to the law enforcement officers in this case, and these law enforcement officers had made a split-second decision to discharge their weapons. Is that right? Isn't there some question about that, considering they threw the book at these guys?

The prosecutors knew that it was not the intent of Congress that they should be charging law enforcement officers with split-second decisions in the discharge of a weapon; but they threw the book at the agents, including the charges that required tens of years of mandatory imprisonment. Again, it was at their discretion that they made these charges.

When Congressmen POE, CULBERSON, and MCCAUL asked why the most serious charges that could be leveled at the Border Patrol agents were initiated by the prosecutors, and why the prosecutors took the word of the drug dealer that he had no weapon rather than the word of the law enforcement officers, the DHS officials, briefing these Congressmen, assured them that this was a legitimate and righteous prosecution. These were, according to the DHS briefing given to these Members of Congress, these were rogue cops. Ramos and Compean were rogue cops, and the Congressmen were told they actually confessed that they knew that the drug smuggler was unarmed and that the agents didn't really feel threatened.

And the biggest lie of all, the Department of Homeland Security briefer insisted that Ramos and Compean had told fellow officers the day of the inci-

dent that they "wanted to shoot a Mexican" that day. That charge raised eyebrows considering that the accused, Ignacio Ramos and Jose Compean, are themselves Mexican Americans married to Mexican American wives with Mexican American children. Sure, they just go out and intentionally shoot some Mexicans that day. Sure.

This is what Members of Congress were told in an official briefing. Asking for proof, the three Congressmen who were being briefed were told that the charges were documented in the reports of the investigative officers. The Department of Homeland Security briefer promised to provide this proof that Ramos and Compean had actually intended that day to go out and "kill a Mexican." Of course, the proof never came.

The Congressmen kept asking. Calls weren't returned. The Department of Homeland Security stalled for 5 months. Members asked for copies of the completed report of investigation which should have backed up the alleged facts that were told to Members during the September 26 briefing to the Members of Congress.

Months passed, and nothing more. Just months passed. Nothing from the Department of Homeland Security. Several letters and public pressure arose, and the Department of Homeland Security finally released a redacted version of the official report of investigation in February 2007. And surprise, surprise, the alleged confession of Ramos and Compean was nowhere to be found in that document. The documentation of the charge that they had brazenly proclaimed their intent to kill a Mexican was not there. But that charge was repeated over and over again.

How could this be? How could the Department of Homeland Security officials, how could they assure Members this was a solid prosecution and that evidence existed that Ramos and Compean were guilty and they wanted to shoot a Mexican? These were flat out lies told to Members of Congress who were being officially briefed by this administration.

During a Department of Homeland Security subcommittee hearing on February 6, 2007, DHS Inspector General Richard Skinner was questioned by Congressman CULBERSON about this issue. Under oath Skinner acknowledged the information given to the Texas Congressman was in fact false, but he smugly justified his blatant and willful lying by calling it "mischaracterization unfortunately repeated at the briefing."

□ 1745

No, Mr. Skinner, it was a lie, no matter how colorful the euphemism.

Ollie North was prosecuted on a charge far less egregious than what we're talking about now. Ollie North gave, or so it was alleged, misinformation to congressional staffers who were not part of an official briefing of Members of Congress; yet, he was prosecuted.

This administration ends up lying in a briefing to Congress and shrugs it off. To this day, absolutely nothing has been done about this crime. And yes, lying to Congress, especially about an issue of this magnitude, is a crime.

Administration officials deliberately misled Members of Congress in order to discourage them from pursuing the Ramos and Compean case, and no one has been held accountable for this crime. The Ramos and Compean case has stunk since day one. The President, instead of looking into the matter, which he should have done, has dug in his heels, permitting his appointees to slander these two agents.

Even worse, the President has personally made decisions that have resulted in these two agents languishing in solitary confinement. They are in solitary confinement because of decisions made directly by the President of the United States. U.S. Attorney Johnny Sutton publicly labeled Ramos and Compean as corrupt; yet, again, when asked for some sort of justification on this, what corruption charges were brought against these people, there were no charges of corruption.

To say that this is a mean-spirited and vindictive prosecution is to put it mildly. This case demonstrates why hearings are an integral part of the check-and-balance system created by our Founding Fathers. It is in this venue that the executive branch is held accountable for their actions. Under oath, it was only when an administration official was under oath that the lies about Ramos and Compean were admitted. But this administration has decided to thumb its nose at that obligation and has decided not to make its case under oath at a public hearing and, instead, has actually said things, as I say, calling Ramos and Compean corrupt in radio interviews and such.

Chairman WILLIAM DELAHUNT graciously approved my request to hold hearings on the Ramos and Compean case. In doing so, an official subcommittee investigation into the case in preparation for the hearing was authorized. During the course of this investigation, the resistance from the Department of Justice, Homeland Security, and State was consistent with the arrogance and obfuscation that flows through this administration from the top down. Our hearing had to be postponed for months because of the administration's refusal to provide documents or to send the necessary witnesses to testify before the subcommittee, citing that the committee did not have proper jurisdiction; therefore, the U.S. Attorney Johnny Sutton, the Department of Homeland Security Inspector General Skinner, or any of his other investigators need not appear. That decision was clearly made by the White House.

Our Government provided a flawed immunity agreement, free health care, unconditional border crossing cards to an illegal alien criminal drug smuggler in exchange for his testimony that sent

Border Patrol Agents Ramos and Compean to prison.

Our Government kept secrets from the jury that the drug dealer intercepted by Ramos and Compean had hauled another shipment of drugs across the border, this, while on a Government-issued border crossing pass.

Clearly, this is well within the jurisdiction of an oversight investigative committee responsible for overseeing relations with other countries, including Mexico, and including international drug smuggling. Clearly, the public has a right to know about these things.

This administration apparently believes there is no obligation to answer questions in public and under oath about the actions or policies of the administration. And in preparation for that hearing, we made a request, and request after request, countless phone calls, and even a freedom of information lawsuit by a watchdog group, Judicial Watch, and the administration still refuses to release copies of the border crossing cards that were issued to the drug smuggler in this case. Of course, they are claiming, when we make this request about these cards issued to the drug smuggler that permitted him to freely go across the border, they say that the drug smuggler is protected under, get this, "the privacy act." This is what the Justice Department tells us.

I was instructed by the Justice Department to obtain a privacy waiver in order that that information be released, a privacy waiver for an illegal alien criminal. This is absurd and just another example of the condescending and dismissive attitude. This type of obstructionism, however, is the rule, not the exception, of this administration.

By the way, due to a bureaucratic fluke, the border crossing cards, we actually got a hold of them, and this is how we have learned that this person that was involved with the Ramos and Compean event actually took a second shipment of drugs.

I submit for the RECORD the letters and copies of these exchanges with the administration.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 12, 2006.

Attorney General ALBERTO GONZALES,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL GONZALES: We are writing to you as members of Congress with deep concern over the Justice Department's wrongheaded prosecution of two U.S. Border Patrol agents who were simply doing their jobs to protect our homeland.

Agents Ignacio Ramos and Jose Alonso Compean should have been commended by our government for their actions last year in attempting to apprehend a Mexican drug smuggler who brought 743 pounds of marijuana across our border. But because of an incomprehensible prosecution by the U.S. Attorney's Office—including granting full immunity to the smuggler so he could testify against our agents—these men may soon receive 20-year prison sentences for firing

shots at the fleeing smuggler, who they believed carried a gun. The smuggler—who received complete medical care at William Beaumont Army Medical Center in El Paso, Texas—is now suing the Border Patrol for \$5 million for violating his civil rights!

The Justice Department's unjust prosecution does nothing but tie the hands of our Border Patrol and prevent them from securing America against a flood of illegal immigrants, drugs, counterfeit goods and quite possibly, terrorists. This demoralizing prosecution puts the rights of illegal alien drug smugglers ahead of our homeland security and undermines the critical mission of better enforcing our immigration laws. The convictions against these agents demand oversight.

Due to significant concerns over the circumstances surrounding the prosecution of Agents Ramos and Compean, the House Judiciary Committee has already recognized the need for a thorough review of this case by calling for Congressional hearings and an investigation of the Department of Homeland Security, Office of the Inspector General, U.S. Customs and Border Patrol and the U.S. Attorney's Office.

Mr. Gonzales, we strongly urge the Department of Justice to postpone the sentencing of Agents Ramos and Compean, and to reopen their case for a fuller investigation of the facts.

Sincerely,

Walter B. Jones, Tom Tancredo, Ted Poe, Charlie Norwood, Ernest Istook, Dana Rohrabacher, Sue Myrick, Virginia Foxx, John Duncan, Barbara Cubin, Jim Ryun, Virgil Goode, Ginny Brown-Waite, Gary G. Miller, Kenny Marchant, Ed Whitfield, Ed Rover, Dan Burton, Robin Hayes, Henry Brown, John Campbell, Michael Bilirakis, Members of Congress.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, February 16, 2007.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR CHAIRMAN WAXMAN: This letter responds to concerns expressed in the January 9, 2006, Minority Staff Report, "Sandy Berger's Theft of Classified Documents: Unanswered Questions" ("the Report"). The Report alleges failures in the Department's handling of the Berger investigation. We have reviewed the Report and respectfully disagree with its characterization of the Department's investigation.

The Department's investigation began when we were first advised of Berger's actions by the National Archives and Records Administration Inspector General (IG) on October 15, 2003, almost two weeks after Archives staff and agents of the IG had begun their own investigation of the incident. The Department and the Federal Bureau of Investigation (FBI) devoted significant resources to the task, including prosecutors and FBI Special Agents trained in the investigation of national security cases. The FBI conducted over 50 interviews, made inspections of the Archives facilities, and reviewed thousands of pages of documents, in addition to other law enforcement efforts. We examined Mr. Berger's conduct during all four of his visits to the Archives.

The Report suggests that the Department did not inquire about Mr. Berger's first two visits to the Archives, citing the IG's recollection that the Department had informed the IG in April 2004 that the Department had not questioned Mr. Berger about his May 2002 and July 2003 visits. This suggestion appears to be based on a misunderstanding of the sequence of the Department's investigation. As of April 2004, the Department had

not yet asked Mr. Berger any questions, as he had not yet agreed to an interview. When the Department did subsequently interview Mr. Berger, the Department questioned him regarding all of his visits. Furthermore, the Department questioned every witness with knowledge of Mr. Berger's visits about all of his visits. Neither Mr. Berger nor any other witness provided the Department with evidence that Mr. Berger had taken any documents beyond the five referenced in the plea agreement.

In this, as in all criminal investigations, the Department's obligation was to gather the available testimonial and documentary evidence and then rigorously put that evidence to the test—often pitting the memory of witnesses against the written record supplied by the documents—in order to determine as accurate a picture as possible of what transpired. In this case, as in others, some of the initial allegations did not withstand further analysis.

For example, the Report suggests that the Department did not give sufficient weight to the accounts of Mr. Berger's activities provided by Archives staff, most notably the e-mail sent on September 2, 2003, from Official A to Senior Official 1. In this e-mail, Official A described an encounter with Mr. Berger that day in which he saw Mr. Berger "fiddling with something white which looked to be a piece of paper or multiple pieces of paper" down by his ankle. The Department was fully aware of this e-mail, and knew that Berger had in fact removed his notes and a document on the visit of September 2, 2003. The e-mail was a significant piece of information that the Department appropriately investigated.

The account described in the e-mail was evaluated in conjunction with Official A's interview with the IG's agents on October 15, 2003, conducted before the Department was involved in the case. The recording and transcript of the interview with the IG's Agents were reviewed in full in the course of our investigation. According to the IG's recorded interview, Official A repeatedly stated that the interaction was "very quick" and he could not be certain what he saw. Further, Official A told the IG's Agents, "I could not, um, you know, swear that what I saw was documents, but it certainly unnerved me enough." Later, Official A was asked by the IG's agents how he was feeling and he responded, "very unsettled. I mean, it's, it's unsettled but at the same time I mean, not, not unsettled in the way that I'm a hundred percent sure of what I've seen and, and I'm sick, just like, did I see what, what I, you know possibly could . . . There was a certain grey area in my mind and whether this was actually a document, a piece of paper."

When Official A was interviewed later by the FBI on October 17, 2003, he once again expressed uncertainty about what he saw, diminishing further the probative value of his e-mail. The e-mail, and Official A's interviews with the IG's agents and the FBI, had to be further weighed against the evidence that after the e-mail was sent and after Official A discussed with Senior Official 1 what he saw, Senior Official 1 contacted a supervisor, but the Archives staff did not confront Mr. Berger, did not search him, and did not contact any security or law enforcement officials. In light of these additional facts, the Report's suggestion that the Department somehow failed to consider the full import of the e-mail and related information is unfounded.

The Department's analysis of the other documentary and testimonial evidence in this case was similarly thorough. And at the conclusion of its extensive investigation, the Department secured a guilty plea from Mr. Berger, pursuant to which he admitted to

"conceal[ing] and remov[ing]" five copies of classified documents from the Archives, concealing them at his office, and "cut[ting] three of the documents into small pieces and discard[ing] them"—all in violation of 18 U.S.C. §1924. April 1, 2005 Factual Basis for Plea at 2. The Department stands by its investigation and believes that this resolution was the best one possible in light of the available evidence.

The Report also suggests that, as a result of Mr. Berger's conduct, the 9-11 Commission may have been deprived of the information necessary to render its final report. The Department, however, has no evidence indicating that this suggestion is accurate. In the course of its investigation, the Department interviewed numerous witnesses who might have had knowledge of any missing items. None of these witnesses, however, provided the Department with evidence that Mr. Berger's conduct deprived the 9-11 Commission of information or documents. Nor has the IG ever advised us—either at the time of our investigation or at any time since—of any evidence that Mr. Berger had taken any documents other than the five referenced in the plea agreement.

Thus, not the Department, the FBI, or the Archives IG has found any evidence that Mr. Berger took any documents other than the five referenced in the plea agreement. The Department's public statements made after Mr. Berger's April 1, 2005, guilty plea reflected the results of its extensive investigation into this matter, and were based solely on the evidence gathered in that investigation and contained in the detailed factual statement—the contents of which Mr. Berger admitted as a condition of his plea agreement.

Under the terms of his plea agreement, Mr. Berger must cooperate with the Archives IG and make himself available for any cooperation with the government. Indeed, on July 8, 2005, after the plea and prior to sentencing, the IG, along with Department attorneys and FBI agents, also questioned Mr. Berger. At this meeting, Mr. Berger was again questioned about all of his visits to the Archives, including those that occurred in May 2002 and July 2003. Again, Mr. Berger's answers in this session were evaluated and compared to his previous answers and the vast amount of evidence collected in the investigation.

In light of Mr. Berger's disclosures during an extensive interview in March 2005 and his acceptance, as part of his guilty plea, of a detailed factual basis for the charges against him, the judgment of the Department and the FBI was not to administer a polygraph examination to Mr. Berger. The Department is aware of no new facts regarding the law enforcement aspects of this investigation to suggest that it should revisit that judgment.

In closing, I would like to emphasize that the Department's silence with respect to certain other factual assertions and conclusions in the Report should not be mistaken for agreement. Indeed, to cite but one additional example, the Department disagrees with both the manner in which certain of its employees were interviewed and the manner in which their statements to Committee staff were presented in the Report. We nevertheless hope that this letter provides you assurance that the Department takes investigations regarding the mishandling of classified information and documents very seriously, and vigorously investigates and prosecutes those who endanger our national security. We appreciate your attention to this matter.

Sincerely,

RICHARD A. HEATING,
Acting Assistant Attorney General.

This is plea after plea from Members of Congress, I might add that even a

majority of Members of Congress have voted for and supported on both sides of the aisle. Chairman DELAHUNT of our Investigative Subcommittee knows that there's something wrong with this case. As I say, it stinks and has stunk from the beginning.

We have asked for the President to intervene on behalf of Ramos and Compean personally, either by pardoning or commuting their sentences. These requests have been ignored over and over again. And last year, I personally reached out to the President to take the pressure and confrontation out of this issue. I suggested that the President direct the Department of Justice to request that Ramos and Compean be permitted to remain free on bond pending their appeal. Even common criminals in our society are able to stay out pending appeal of a decision.

And what was the response? The White House released a press release the next day, it was issued the very next day, proclaiming that the administration opposes letting Ramos and Compean out pending appeal and that no special consideration would be granted to anyone.

Now, that's a lot of holier than thou rhetoric, okay? So no special consideration was going to be given to anyone, much less these two Border Patrol agents. Now, that sounds righteous, a position of not making any exceptions, except, of course, for the fact that a short time later, White House Aide Scooter Libby had his sentence commuted by the President in a heartbeat.

For the record, I found out, and let me just note, I believe that commuting Scooter Libby's sentence was justified. But it's totally inconsistent with what we had been told of why Ramos and Compean couldn't even be considered to let them out, even waiting, pending appeal.

Yeah, Scooter Libby got a raw deal. But the fact is that what's happening, what we see is only members of the President's personal clique get such consideration. It's clear, that's evident, and it's disgraceful.

It is truly with a heavy heart, Madam Speaker, that I stand here reciting example after example of the maliciousness and condescending attitude exhibited by this administration. It is a problem that's flowing from the top.

When I hear my friends on the other side of the aisle accusing this administration of stonewalling, of coverups, or thwarting investigations, I sadly must concur with them. Even though I may disagree with what the policy issue of the day is, I have to agree that Congress is not being treated with respect and that the President is engaged in obfuscating and in stonewalling of rightful requests by this body.

This White House exemplifies needless hostility, turf jealousy, and obstructionism. The American people should know it and should know that these charges come not from a partisan

Democrat, but from a lifelong conservative Republican. I have worked in the White House. I worked for 7 years as a special assistant to President Ronald Reagan.

Ronald Reagan, as much as people can disagree or agree with the policies that he espoused, was a person who never acted arrogantly towards others. He never, when he was giving State of the Union messages, never used the word "must," never made demands. And I think that President Reagan would not feel comfortable with the type of attitude that is exemplified in this administration. He, instead, wanted to reach out to people and cooperate.

This administration seems to want to just bulldoze whoever gets in their way and does not have the human concern for other people, especially for people like Ramos and Compean, the little guys, that we saw in Ronald Reagan, which made him so popular and successful.

I would ask that the rest of my remarks be put into the RECORD. Thank you very much for permitting me this hour.

And to the American people, I say, carefully consider who our leaders are going to be and carefully consider the issue of the day. We have a wonderful democratic society. There's a balance of power here set up by our Founding Fathers. And it's important, whether you're Republican or Democrat, that we maintain this balance of an authority, the legislative, executive, and judicial in this country, and we should not be setting precedents that the President of the United States has the lion's share of the power in this great democracy of ours. The power is rested in these three branches and in the people themselves.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Ms. SLAUGHTER (during the Special Order of Mr. ROHRBACHER). Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Ms. SLAUGHTER (during the Special Order of Mr. ROHRBACHER), from the Committee on Rules, submitted a privileged report (Rept. No. 110-530) on the resolution (H. Res. 1001) providing for consideration of the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and en-

ergy conservation, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATERS) to revise and extend their remarks and include extraneous material:)

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, March 4.

Mr. BURTON of Indiana, for 5 minutes, today, February 27 and 28.

ADJOURNMENT

Mr. ROHRBACHER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 27, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5475. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. AMS-FV-0114; FV07-966-2 IFR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5476. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate [Docket No. AMS-FV-07-0104; FV07-987-1 FIR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5477. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSR) program for FY 2007, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

5478. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel James M. Holmes, United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5479. A letter from the Assistant Secretary for Installations and Environment, Depart-

ment of the Navy, Department of Defense, transmitting notification of the decision to conduct a streamlined A-76 competition of aircraft maintenance, administration, and corrosion control functions performed by military personnel in various locations; to the Committee on Armed Services.

5480. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5481. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs), Rehabilitation Research and Training Centers (RRTCs), and Rehabilitation Engineering Research Centers (RERCs) — received February 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5482. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Measuring Educational Gain in the National Reporting System for Adult Education (RIN: 1830-ZA06) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5483. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Exceptions of Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile [Docket No. 2006N-0466] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5484. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the enclosed correspondence from the Prime Minister of Kosovo Hashim Thaci and the Speaker of the Parliament of Albania Jozefina Topalli expressing their condolences on the passing of Chairman Tom Lantos; to the Committee on Foreign Affairs.

5485. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(a) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Government of the United Arab Emirates (Transmittal No. DDTC 001-08); to the Committee on Foreign Affairs.

5486. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia, Ukraine and Norway (Transmittal No. DDTC 023-08); to the Committee on Foreign Affairs.

5487. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 025-08); to the Committee on Foreign Affairs.

5488. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of

Russia and Kazakhstan (Transmittal No. DDTC 024-08); to the Committee on Foreign Affairs.

5489. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5490. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5491. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5492. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5493. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5494. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5495. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5496. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5497. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5498. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5499. A letter from the Chairman, National Transportation Safety Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's Report to Congress on the Fiscal Year (FY) 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

5500. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Career and Career-Conditional Employment and Adverse Actions (RIN: 3206-AL30) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5501. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5502. A letter from the Director of Human Resources, Railroad Retirement Board, transmitting the Board's report on the use of the Category Rating System during fiscal year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5503. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific;

Western Pacific Crustacean Fisheries; 2008 Harvest Guidelines (RIN: 0648-XF19) received February 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5504. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pacific Cod Total Allowable Catch Amount [Docket No. 070213032-7032-01] (RIN: 0648-XE80) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5505. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XE43) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5506. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF14) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5507. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries [Docket No. USCG-2006-25708] (RIN: 1625-AB09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5508. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA [USCG-2008-0005] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30581; Amdt. No. 3246] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30582; Amdt. No. 471] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30584; Amdt. No. 3248] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5512. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Time and Manner for Electing Capital Asset Treatment for Certain Self-Created Musical Works [TD 9379] (RIN: 1545-BG35) received February

12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5513. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — GO Zone Bonus Depreciation Recapture [Notice 2008-25] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 1001. Resolution providing for the consideration of the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. (Rept. 110-530). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WATERS (for herself, Ms. LEE, and Ms. WOOLSEY):

H.R. 5488. A bill to provide for the recovery and stability of Iraq, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WITTMAN of Virginia (for himself, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. GOODE, Mr. SCOTT of Virginia, Mr. WOLF, Mr. BOUCHER, Mrs. DRAKE, Mr. FORBES, and Mr. GOODLATTE):

H.R. 5489. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CHABOT:

H.R. 5490. A bill to reform the program for rental assistance under section 8 of the United States Housing Act of 1937, and for other purposes; to the Committee on Financial Services.

By Mr. LATOURETTE (for himself, Mr. LYNCH, and Mr. BURTON of Indiana):

H.R. 5491. A bill to amend the Public Health Service Act to authorize grants to States to establish and implement programs for registering pharmaceutical technicians; to the Committee on Energy and Commerce.

By Ms. MATSUI (for herself, Mr. BECERRA, and Mr. SAM JOHNSON of Texas):

H.R. 5492. A bill to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Pennsylvania:

H.R. 5493. A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H.R. 5494. A bill to amend title 11 of the United States Code to make nondischargeable debts for personal injuries that result in permanent disability; to the Committee on the Judiciary.

By Mr. GERLACH:

H.R. 5495. A bill to extend for one year the exemption of returning workers from the numerical limitations for H-2B temporary workers; to the Committee on the Judiciary.

By Ms. MATSUI:

H.R. 5496. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Energy and Commerce.

By Mr. MURTHA:

H.R. 5497. A bill to amend the Internal Revenue Code of 1986 to provide for tax preferred savings accounts for individuals under age 26, and for other purposes; to the Committee on Ways and Means.

By Mr. POE (for himself, Mr. COSTA, Mr. WEINER, Mr. BRALEY of Iowa, and Mr. REICHERT):

H.R. 5498. A bill to increase the cap on the obligation of receipts for the Crime Victims Fund; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 5499. A bill to provide for a timetable for the redeployment of the United States Armed Forces from Iraq and to seek political and diplomatic solutions for the security and stability of the Republic of Iraq; to the Committee on Financial Services, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 5500. A bill to amend the Fair Credit Reporting Act to provide forbearance from foreclosures of subprime mortgages in the determination of a consumer credit score, and for other purposes; to the Committee on Financial Services.

By Mr. PUTNAM:

H. Res. 998. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 999. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. DOYLE (for himself, Mr. ALTMIRE, and Mr. TIM MURPHY of Pennsylvania):

H. Res. 1000. A resolution to commemorate the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in spreading the ideals of freedom and democracy throughout the world; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. BOUCHER, Mr. CAPUANO, Mr. CHANDLER, Mr. CLEAVER, Mr. COHEN, Mrs. DAVIS of California, Mr. DEFazio, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. HINCHEY, Mr. HOLDEN, Mr. HONDA, Mr. JOHNSON of Illinois, Mr. KENNEDY, Mr. KILDEE, Mr. LAHOOD, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MICHAUD, Ms. NORTON, Mr. OBERSTAR, Mr. PAYNE, Mr. REYES, Mr. ROSS, Mr. SPRATT, Mrs. TAUSCHER, Mr. WALDEN of Oregon, and Mr. WU):

H. Res. 1002. A resolution expressing support for designation of April 2008 as "Public Radio Recognition Month"; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mrs. MYRICK.

H.R. 136: Mr. GOHMERT.

H.R. 223: Mr. LAMBORN.

H.R. 279: Mr. ROGERS of Alabama.

H.R. 549: Mr. ROGERS of Michigan.

H.R. 592: Mr. MCCOTTER and Mr. GALLEGLY.

H.R. 631: Mr. HERGER.

H.R. 718: Mr. LOEBSACK.

H.R. 728: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 850: Mr. GOHMERT.

H.R. 861: Mr. CAMPBELL of California.

H.R. 1029: Mr. WALBERG.

H.R. 1076: Mr. MCHUGH.

H.R. 1108: Mr. CLEAVER.

H.R. 1237: Mr. KUHL of New York.

H.R. 1264: Mr. WALBERG and Mr. TIM MURPHY of Pennsylvania.

H.R. 1295: Mr. ROSS, Mr. INGLIS of South Carolina, Mr. WITTMAN of Virginia, and Mr. HAYES.

H.R. 1320: Mr. ANDREWS.

H.R. 1336: Mr. MATHESON.

H.R. 1426: Mrs. DRAKE.

H.R. 1431: Mr. FILNER, Mr. ROSS, and Mr. AL GREEN of Texas.

H.R. 1497: Mr. INGLIS of South Carolina and Mr. SESTAK.

H.R. 1524: Mr. FRANK of Massachusetts.

H.R. 1553: Mrs. BLACKBURN.

H.R. 1565: Ms. SHEA-PORTER.

H.R. 1576: Mr. HASTINGS of Florida, Mr. WELCH of Vermont, and Mr. HILL.

H.R. 1589: Mr. MICA, Ms. FOX, and Mr. JONES of North Carolina.

H.R. 1609: Mr. MCINTYRE.

H.R. 1663: Mr. PRICE of North Carolina.

H.R. 1707: Mr. BRADY of Pennsylvania.

H.R. 1726: Mrs. TAUSCHER, Ms. LEE, Mr. GRIJALVA, Mrs. CAPPS, Mr. TOWNS, Mr. COHEN, and Mr. RANGEL.

H.R. 1732: Mr. CARTER and Mr. MILLER of Florida.

H.R. 1840: Mr. LIPINSKI.

H.R. 1843: Mrs. LOWEY and Mr. FEENEY.

H.R. 1884: Mr. GEORGE MILLER of California and Ms. HERSETH SANDLIN.

H.R. 1889: Ms. MCCOLLUM of Minnesota.

H.R. 2040: Mr. YOUNG of Alaska, Mr. WEINER, Mr. FALEOMAVAEGA, Mr. MILLER of North Carolina, Mr. DEFazio, Ms. NORTON, Ms. TSONGAS, Mr. EDWARDS, Mr. LOEBSACK, Ms. LINDA T. SANCHEZ of California, Ms. ESHOO, Ms. RICHARDSON, Mr. ACKERMAN, Ms. DEGETTE, Mr. DINGELL, Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, Mr. McNULTY, Ms. ZOE LOFGREN of California, Mr. REYES, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Mr. SARBANES, Mr. LYNCH, Mr. FILNER, Mr. HALL of New York, Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. KIND, Mr. SERRANO, Mr. MOLLOHAN, and Mr. RAHALL.

H.R. 2122: Mr. ANDREWS.

H.R. 2158: Ms. FOX and Mr. HELLER.

H.R. 2266: Mr. KENNEDY and Mrs. MCCARTHY of New York.

H.R. 2303: Mr. GALLEGLY, Mr. WALZ of Minnesota, Mr. BURTON of Indiana, Mr. BISHOP of Utah, Mr. SIMPSON, Ms. SLAUGHTER, Mr. MICHAUD, Mr. GINGREY, Mr. LINDER, Mr. KAGEN, and Mr. PERLMUTTER.

H.R. 2370: Mr. TOWNS and Ms. SHEA-PORTER.

H.R. 2452: Ms. WOOLSEY.

H.R. 2464: Mr. WELCH of Vermont and Mr. WYNN.

H.R. 2507: Mr. MILLER of Florida.

H.R. 2508: Mr. HELLER.

H.R. 2511: Mr. TOWNS.

H.R. 2668: Ms. SUTTON.

H.R. 2711: Mr. TOWNS.

H.R. 2744: Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. REICHERT, Mr. ENGEL, and Mr. PLATT.

H.R. 2762: Mr. STUPAK, Mr. HOEKSTRA, Mr. TANCREDO, Mr. KIND, and Mr. WALBERG.

H.R. 2922: Mr. PAUL.

H.R. 2941: Ms. SHEA-PORTER.

H.R. 3010: Mr. SHERMAN, Ms. LEE, and Mr. JACKSON of Illinois.

H.R. 3021: Ms. HOOLEY.

H.R. 3042: Ms. SCHAKOWSKY.

H.R. 3109: Mr. HELLER, Mr. WALBERG, Mr. PITTS, and Mr. HASTINGS of Washington.

H.R. 3140: Mr. WITTMAN of Virginia and Mr. GRIJALVA.

H.R. 3145: Mr. HELLER.

H.R. 3175: Ms. ZOE LOFGREN of California and Mr. HINCHEY.

H.R. 3192: Mr. JEFFERSON.

H.R. 3359: Mr. CRENSHAW.

H.R. 3457: Mr. BOEHNER and Mr. TIBERI.

H.R. 3598: Ms. SHEA-PORTER.

H.R. 3609: Mr. SHAYS.

H.R. 3643: Mr. TOWNS, Ms. BALDWIN, Mr. SESTAK, Mr. ENGEL, Mr. ROTHMAN, Mrs. CAPPS, Mr. GENE GREEN of Texas, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. WAXMAN, and Ms. DEGETTE.

H.R. 3646: Mr. MILLER of North Carolina.

H.R. 3769: Mr. TANCREDO and Mr. LAMBORN.

H.R. 3820: Mr. LIPINSKI and Mr. GONZALEZ.

H.R. 3852: Mr. JEFFERSON.

H.R. 3916: Mr. MCNERNEY.

H.R. 3934: Mr. SHAYS and Mr. KELLER.

H.R. 4061: Mr. DEAL of Georgia and Mr. WALBERG.

H.R. 4088: Mr. HELLER.

H.R. 4093: Mr. COHEN.

H.R. 4133: Mrs. BACHMANN.

H.R. 4188: Mr. PAYNE.

H.R. 4236: Mr. FRANK of Massachusetts.

H.R. 4244: Mr. GRIJALVA.

H.R. 4247: Mr. GORDON.

H.R. 4544: Mr. PORTER.

H.R. 4775: Mr. GRIJALVA.

H.R. 4790: Mr. RUSH.

H.R. 4930: Mr. PLATT, Mr. ROGERS of Alabama, Mr. HONDA, Mr. PORTER, and Mr. BACHUS.

H.R. 5057: Mr. SHIMKUS and Ms. HERSETH SANDLIN.

H.R. 5087: Mr. ELLSWORTH.

H.R. 5109: Mr. CONAWAY and Mr. SMITH of Texas.

H.R. 5110: Mr. SHULER, Mr. DOGGETT, and Mr. SKELTON.

H.R. 5126: Mr. SOUDER.

H.R. 5131: Mr. PLATT, Mr. JONES of North Carolina, Mr. STEARNS, Mr. ROHRBACHER, and Mr. MCCOTTER.

H.R. 5157: Mr. FATTAH.

H.R. 5160: Mr. ALLEN.

H.R. 5161: Ms. MATSUI.

H.R. 5167: Mr. MCGOVERN.

H.R. 5173: Mrs. GILLIBRAND and Mr. MCHUGH.

H.R. 5229: Ms. DEGETTE.

H.R. 5241: Mr. SALAZAR.

H.R. 5267: Mr. JONES of North Carolina, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, and Mr. WEINER.

H.R. 5351: Mr. LIPINSKI.

H.R. 5425: Mr. PAUL, Mr. FOSSELLA, Mr. ORTIZ, Mr. BISHOP of New York, Mrs. DRAKE, and Mr. KING of New York.

H.R. 5440: Mr. WOLF and Mr. BOUSTANY.

H.R. 5445: Mr. SESSIONS.

H.R. 5449: Ms. SHEA-PORTER and Mr. NADLER.

H.R. 5452: Mr. GILCHREST and Mr. WAXMAN.

H.R. 5454: Mr. KUHL of New York, Mr. PAUL, Mr. MCINTYRE, and Mr. ENGLISH of Pennsylvania.

H.R. 5461: Ms. DEGETTE, Ms. JACKSON-LEE of Texas, Mr. HARE, and Mr. MCGOVERN.

H.J. Res. 12: Mr. WALBERG.

H. Con. Res. 195: Mr. WOLF.

H. Con. Res. 255: Mr. ELLSWORTH and Mr. FORTUÑO.

H. Res. 111: Ms. JACKSON-LEE of Texas.

H. Res. 248: Ms. DEGETTE and Mr. GERLACH.

H. Res. 282: Mrs. EMERSON.

H. Res. 356: Mr. THOMPSON of California.

H. Res. 638: Mr. PENCE and Mr. SHAYS.

H. Res. 784: Mr. JONES of North Carolina.
H. Res. 820: Ms. JACKSON-LEE of Texas.
H. Res. 829: Mr. MORAN of Kansas.
H. Res. 892: Mr. RANGEL, Ms. HOOLEY, Mr. HOLDEN, Mr. YOUNG of Alaska, Mr. WALBERG, and Mr. CLAY.
H. Res. 911: Mr. BLUMENAUER, Mr. HINOJOSA, Mr. COHEN, and Mr. ALLEN.
H. Res. 924: Mr. DAVIS of Illinois.
H. Res. 935: Ms. DELAURO.
H. Res. 936: Ms. DELAURO.
H. Res. 948: Mr. CLEAVER.
H. Res. 951: Mr. HASTINGS of Washington, Ms. SCHWARTZ, Ms. CASTOR, Mr. MARSHALL, Ms. BEAN, Mr. BACHUS, Mr. SMITH of Nebraska, Mr. WEINER, and Mr. STUPAK.
H. Res. 953: Mrs. CAPITO, Mr. ANDREWS, Mr. SESTAK, Mr. JONES of North Carolina, Mr. DAVIS of Kentucky, Mr. McKEON, and Mr. MARSHALL.
H. Res. 958: Mr. GARY G. MILLER of California and Mr. JONES of North Carolina.
H. Res. 985: Mr. KING of New York, Mr. BRADY of Pennsylvania, and Mr. FERGUSON.
H. Res. 988: Mrs. MYRICK, Ms. SCHAKOWSKY, and Mr. COOPER.